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AUDIT  
DIX & LYNN*

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## CITATION

Cite all material in the Washington State Register by its issue number and sequence within that issue, preceded by the acronym WSR. Example: The 37th item in the August 5, 1981, Register would be cited as WSR 81-15-037.

## PUBLIC INSPECTION OF DOCUMENTS

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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# WASHINGTON STATE REGISTER

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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

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

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

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

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

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

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

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

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

### 5. EFFECTIVE DATE OF RULES

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

### 6. EDITORIAL CORRECTIONS

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

### 7. INDEX AND TABLES

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

1983 - 1984

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	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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\*Dates adjusted to accomodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

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

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

<sup>3</sup>"No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.



**WSR 83-17-001**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-81—Filed August 4, 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 harvestable quantities of sockeye are 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 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 3, 1983.

By Gary C. Alexander  
for William R. Wilkerson  
Director

NEW SECTION

*WAC 220-57A-17500I LAKE WASHINGTON. Notwithstanding the provisions of WAC 220-57A-175, effective immediately until further notice, it is lawful to take, fish for and possess salmon, including sockeye salmon, for personal use from the waters of Lake Washington lying south of the Evergreen Point Floating Bridge under bag limit A. Waters within a 1000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.*

REPEALER

The following section of the Washington Administrative Code is repealed:

*WAC 220-57A-17500H LAKE WASHINGTON (83-77)*

**WSR 83-17-002**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-82—Filed August 4, 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.

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, 6C, 7 and 7A provide protection for summer-fall chinook during IPSFC sockeye management. Restrictions in Areas 7B, 7C and the Nooksack and Samish Rivers provide protection for Nooksack-Samish chinook and pink salmon. Restrictions in the Skagit River, Areas 6D, 13A, Minter Creek and Strait of Juan de Fuca tributaries provide protection for local chinook stocks. Restrictions in Areas 6B, 9, 10, 11, 11A, 12, 12B, and Puyallup River provide protection for local pink stocks. Restrictions in Areas 10B, 10C, 10D and Cedar River provide protection for Lake Washington sockeye while providing opportunity to harvest surplus sockeye and chinook. Restrictions in Area 12C provide protection for chinook and pinks returning to Hoodsport 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 August 4, 1983.

By William R. Wilkerson  
Director

NEW SECTION

*WAC 220-28-309 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-inch maximum mesh, when open.*

*Area 6A - Gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6B and 9 - Effective through September 10, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 6D and Dungeness River - Effective through September 24, closed to all commercial fishing.*

*Areas 7 and 7A - Gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Area 7B - Effective through August 25, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to the fishing boundary marker on Samish Island. In that portion northwesterly of the Oyster Creek line, effective through August 6, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited. Effective August 7, entire Area 7C closed to all commercial fishing.

Area 10 – Effective through August 5, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. Effective August 6 through September 10, gill nets restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.

Area 10B – Closed to all commercial fishing through August 5 except from 3:00 PM August 3 to 9:00 AM August 5; gill nets restricted to 6-1/2-inch minimum mesh when open. Effective August 6 through September 24, gill nets restricted to 6-1/2-inch minimum mesh, and all other gear must release sockeye when open.

\*Area 10C – (1) Closed to all commercial fishing except from 10:00 PM August 4 to 2:00 AM August 5, gill nets restricted to 4-1/2-inch minimum mesh, when open. (2) That portion within 1,000-foot radius of the mouth of the Cedar River is closed to all commercial fishing.

Cedar River – Closed to all commercial fishing.

Area 10D – Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh, and all other gear must release sockeye when open. Effective August 1 through December 31, closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek.

Areas 11 and 11A – Effective through September 10, gill net gear restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.

Areas 12 and 12B – Effective through September 3, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.

Area 12C – Effective through September 30, closed to all commercial fishing within 1,000 feet of the western shore between Hoodport Marina Dock and Glen Ayr Trailer Park.

Area 13A – Effective through August 15, 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 – Mouth to Marietta Bridge, effective through August 25, commercial net gear restricted to 7-inch minimum mesh, when open; Marietta Bridge to the confluence of the north and south forks, effective through September 1, gill net gear restricted to 7-1/2-inch minimum mesh, when open; upstream of the confluence of north and south forks, closed to all net gear. Puyallup River – Effective through September 10, gill nets restricted to 7-1/2-inch minimum mesh, when open.

Minter Creek – Closed to all net gear through August 15.

Skagit River – upstream of Baker River confluence and all Skagit tributaries, closed to all commercial fishing.

Samish River – Closed to all commercial fishing.

Elwha, Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks – Effective through September 24, closed to all commercial fishing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-308 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-80)

**WSR 83-17-003**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 1992—Filed August 5, 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 referral of child in foster care to department's Office of Support Enforcement, amending WAC 388-70-080.

This action is taken pursuant to Notice No. WSR 83-13-011 filed with the code reviser on June 3, 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 August 3, 1983.

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

**AMENDATORY SECTION** (Amending Order 1123, filed 6/7/76)

WAC 388-70-080 ✓ **REFERRAL OF CHILD IN FOSTER CARE TO DEPARTMENT'S OFFICE OF SUPPORT ENFORCEMENT.** A referral by the ((ESSO)) CSO to the respective district office of support enforcement serving that region is to be made for every foster care placement in which the department participates in payment for care, except for classes of cases, if any, in which the office of support enforcement has determined it would not be cost effective to pursue collection, or classes of cases exempt by law from collection action.

**WSR 83-17-004**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1994—Filed August 5, 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 388-33-140 Effective date of increase or decrease in grant.
- Amd WAC 388-33-595 One-time grant—Authorization—Disbursement.

This action is taken pursuant to Notice No. WSR 83-13-059 filed with the code reviser on June 15, 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 August 3, 1983.

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

**AMENDATORY SECTION** (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-33-140 ✓ **EFFECTIVE DATE OF INCREASE OR DECREASE IN GRANT.** (1) Increase or reduction in grant:

(a) When a change in circumstances, other than adding a person to a grant, results in an increase or reduction of the assistance grant, the effective date of the change is the first of the second month following the month in which the change occurred. ((The corresponding payment month.)) See WAC 388-28-483.

(b) When a person is added to the grant, the effective date of the change shall be the ((first of the month following the month in which)) date the person entered the

household or the date ((when all eligibility conditions are met)) the person is determined eligible, whichever is later.

(c) When a person's needs are added to a grant because ((he/she)) he or she is being removed from a sanction status, the effective date of the change is the date the sanction is removed.

(2) The effective date shall never precede the date the circumstances actually changed.

(3) Change in grant involving a ((cancelled)) canceled warrant:

When a warrant is ((cancelled)) canceled and assistance is to be reissued by an adjusting payment, the effective date of the grant as recomputed by the state office is the first of the month covered by the ((cancelled)) canceled warrant. If, according to the rule in subsection (1) of this section, any assistance is due the recipient for a month prior to that covered by the ((cancelled)) canceled warrant, the local office shall authorize a one-time grant.

**AMENDATORY SECTION** (Amending Order 1852, filed 7/30/82, effective 9/1/82)

WAC 388-33-595 ✓ **ONE-TIME GRANT—AUTHORIZATION—DISBURSEMENT.** (1) See WAC 388-22-030 for definition of "one-time grant."

(2) A one-time grant may be authorized and disbursed in the amount necessary subject to the following rules:

(a) A one-time grant shall be authorized for a recipient of continuing assistance only.

(b) A one-time grant authorization is a single payment procedure. It expires when the warrant is mailed. It does not change the amount of the continuing (regular) grant currently authorized.

(c) A one-time grant shall be authorized when:

(i) An additional requirement recognized by department standards will be needed.

(ii) Income or assistance budgeted as available to the assistance unit or family is not received.

(iii) Supplemental assistance is needed from the date a recipient leaves an institution to the receipt of the regular, adjusting, or reinstated grant.

(iv) The fair hearing decision or the court decision on an appeal requires initiating, reinstating, or increasing a grant.

(v) A recipient is to be compensated for an underpayment.

(vi) Any one-time grant ((that)) is approved by the state office under chapter 388-20 WAC for reasons other than those listed in this section.

(vii) A canceled warrant is to be reissued and the recipient cannot wait for payment by adjusting grant.

(viii) A change in the basic requirements ((which results)) resulting in an increase in the regular grant occurs.

(ix) Assistance is being continued in compliance with the ten-day advance notice rules on reduction, suspension, or termination of a grant, and a partial month payment is required.

(x) An individual is added to the assistance unit. The one-time grant shall be for the period from the date of eligibility to the date the grant is adjusted.

(d) Except as provided in subsection (2)(c)(iv) and(v) of this section, a retroactive one-time grant shall not cover a period of more than sixty days before the date of authorization.

(e) The effective date of a one-time grant shall be the date the circumstances change, subject to the limitations and conditions stated in this section.

**WSR 83-17-005**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 1995—Filed August 5, 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 388-82-115 Special categories eligible for medical benefits.

Amd WAC 388-83-028 Eligibility factors for special categories.

This action is taken pursuant to Notice No. WSR 83-13-103 filed with the code reviser on June 21, 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 August 3, 1983.

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

AMENDATORY SECTION (Amending Order 1721, filed 11/18/81)

WAC 388-82-115 SPECIAL CATEGORIES ELIGIBLE FOR MEDICAL ASSISTANCE. (1) Persons who, in August 1972, received OAA, AB, AFDC, or APTD, and also received RSDI benefits, and who became ineligible for OAA, AB, AFDC or APTD solely because of the twenty percent increase in Social Security benefits under Public Law 92-336, shall be eligible for medicaid as categorically needy. The provision applies to both current cash applicants and recipients.

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

(3) An AFDC family unit which becomes ineligible solely because of increased hours or increased income from employment shall remain categorically eligible for

medical assistance (MA) for four calendar months beginning with the month of ineligibility provided that:

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

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

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

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost-of-living benefit increases under Public Law 94-566, section 503, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit ~~((including cost-of-living benefits of a financially responsible spouse must be considered available income.))~~ increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

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

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

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

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

(5) Certain recipients of SSI, after January 1, 1981, will continue to be eligible for medical assistance (MA) under Public Law 96-265.

(6) Pregnant women, with no other eligible children, ineligible for AFDC cash assistance solely because they have not reached the sixth month of pregnancy shall be eligible for Medicaid as categorically needy.

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-83-028 ELIGIBILITY FACTORS FOR SPECIAL CATEGORIES. (1) Cash recipients of OAA, AB or APTD who became ineligible because of the twenty percent increase in RSDI benefits in August 1972, must have that increase disregarded in determining current eligibility. If the sole reason for their income exceeding the cash standard is the August 1972, increase, then they are categorically eligible for Medicaid. Medicaid eligibility determinations for this group must include this factor.

(2) Persons who were eligible under federal cash assistance programs (AFDC, OAA, AB or APTD) but were not receiving assistance, and would have been ineligible solely because of the August 1972, RSDI twenty percent increase shall have the twenty percent increase disregarded in determining financial eligibility.

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

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

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

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

(4) Current recipients who become ineligible for SSI benefits and/or state supplementary payments solely because of OASDI cost-of-living benefit increases received after April 1977, shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost-of-living benefit (~~must be considered available income~~) increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

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

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

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

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

(5) Persons who were "grandfathered" into SSI January 1, 1974, and continue to meet the definition in chapter 388-80 WAC are eligible for medical assistance. Termination and reapplication does not reinstate the "grandfathered" status. Program and eligibility factors are described in chapter 388-93 WAC.

**WSR 83-17-006**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1996—Filed August 5, 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.

This action is taken pursuant to Notice No. WSR 83-13-066 filed with the code reviser on June 16, 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 August 3, 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 83-17-007**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1997—Filed August 5, 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 Support enforcement—Service requirements—Tolling, amending WAC 388-11-045.

This action is taken pursuant to Notice No. WSR 83-13-012 filed with the code reviser on June 3, 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 August 3, 1983.

By David A. Hogan, Director  
 Division of Administrative Regulations

AMENDATORY SECTION (Amending Order 1507, filed 5/28/80)

WAC 388-11-045 SERVICE ((WITHIN SIXTY DAYS)) REQUIREMENTS—TOLLING. (1) For support obligations owed for months on or after September 1, 1979:

If the notice and finding of financial responsibility is not served within sixty days from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought, the department shall lose the right to reimbursement of payments made after the sixty days and before the date of service of the notice: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so, the entire sixty-day period is tolled until such time as the debtor can be located (~~PROVIDED FURTHER, This section shall not be applicable to support obligations owed for months prior to September 1, 1979, and the sixty-day period shall commence on the date payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant is authorized or on September 1, 1979, whichever is later~~)).

(2) For support obligations owed for months before September 1, 1979, and for which a final determination was issued on or after September 1, 1979:

(a) If the notice and finding of financial responsibility is not served within six months from the date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought, the department shall lose the right to reimbursement of payments made after the six months and before the date

of service of the notice: PROVIDED, That if the department exercises reasonable efforts to locate the debtor and is unable to do so, the entire six-month period is tolled until such time as the debtor can be located. Such reasonable efforts to locate shall be supported by contemporaneous recordings in the department's file.

(b) The provisions of WAC 388-11-045(2) are intended to implement the holding of Gangon vs. DSHS, Thurston county cause number 80-2-01004-0.

**WSR 83-17-008**

**NOTICE OF PUBLIC MEETINGS**  
**HOSPITAL COMMISSION**

[Memorandum—August 4, 1983]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, August 25, 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 September 8, 1983, in the Phoenix A Room of the Hyatt House, Sea-Tac.

**WSR 83-17-009**

**ADOPTED RULES**  
**LOTTERY COMMISSION**

[Order 31—Filed August 5, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-11-050, 315-11-051 and 315-11-052.

This action is taken pursuant to Notice No. WSR 83-13-077 filed with the code reviser on June 17, 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 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 5, 1983.

By Lenore M. Lambert  
 Acting Chairperson

NEW SECTION

WAC 315-11-050 DEFINITIONS FOR INSTANT GAME NUMBER 3 ("BURIED TREASURE"). (1) Play Numbers for Instant Game Number 3 - The following are the "Play Numbers": "\$2.00", "\$5.00", "50.00", "\$1,000", "10,000". Each such Play Number is printed in gray-black ink and one of these Play Numbers appears under each of the six rub-off spots on the ticket front in the Archer font in positive.

(2) Validation Number for Instant Game Number 3 - The nine-digit number on the front, bottom center of the ticket under the "DO NOT REMOVE" area.

(3) Pack-Ticket Number of Instant Game Number 3 - The ten-digit number of the form 3000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the Pack-Ticket Number for Instant Game Number 3 constitute the "Pack-Number" and start at 3000001; the last three digits constitute the "Ticket Number" which starts at 000 and continues sequentially through 199 within each pack of tickets.

(4) Captions for Instant Game Number 3 - The small printed material appearing below each Play Number which verifies and corresponds with that Play Number. The Caption is a spelling out, in full or abbreviated form, of the Play Number. Only one Caption appears under each Play Number and is printed in gray-black ink in positive in 5 x 9 font. The Captions which correspond with and verify each Play Number are:

Play Number	Caption
\$2.00	TWO
\$5.00	FIVE
50.00	FIFTY
\$1,000	ONE THOU
10,000	TEN THOU

(5) Agent Validation Codes for Instant Game Number 3 - Codes consisting of small letters found under the removable covering on the ticket front, which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 3, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the Play Numbers. The Agent Validation Code is used by the licensed agent to verify \$2.00 and \$5.00 winners. The codes which correspond with and verify each of these winners are:

TWO = \$2.00

FIV = \$5.00

(6) Pack For Instant Game Number 3 - A pack of 200 fanfolded instant game tickets, packed in a plastic bag or a plastic shrinkwrapping, which are attached to each other by perforations at which perforations the licensed agent tears when the agent sells a ticket.

NEW SECTION

WAC 315-11-051 CRITERIA FOR INSTANT GAME NUMBER 3. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of Prize Winning Tickets - An instant prize winning ticket is determined in Instant Game Number 3 in the following manner:

(a) A \$2.00 prize winning ticket shall have an occurrence of "\$2.00" as a Play Number, in each of 3 separate boxes on the ticket;

(b) A \$5.00 prize winning ticket shall have an occurrence of "\$5.00" as a Play Number in each of 3 separate boxes on the ticket;

(c) A \$50.00 prize winning ticket shall have an occurrence of "50.00" as a Play Number in each of 3 separate boxes on the ticket;

(d) A \$1,000 prize winning ticket shall have an occurrence of "\$1,000" as a Play Number in each of 3 separate boxes on the ticket;

(e) A \$10,000 prize winning ticket shall have an occurrence of "10,000" as a Play Number in each of 3 separate boxes on the ticket;

(f) In any event, only the highest instant prize amount meeting the standards of (a) through (e) will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements, to the particular validation requirements for Instant Game Number 3, and to the requirements set forth on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set forth on the back of the ticket.

(6) Participants in the Grand Prize Drawings shall be those validated instant prize winners of exactly \$50 who submit prize claims within 30 days after the announced end of Instant Game Number 3 in the manner prescribed on the back of the instant ticket. One Grand Prize Drawing will be held for Instant Game 3 after that game's conclusion, at the time and place pursuant to the methods to be announced by the director. The prizes to be awarded in the Grand Prize Drawing will be: one 1st prize of \$1,000 a week for life with the weekly prize payments starting at age 18 or older, with a minimum payment of \$1,000,000 guaranteed; one 2nd prize of \$500,000 paid as \$50,000 per year for ten years; two 3rd prizes of \$250,000 paid as \$25,000 per year for ten years; two 4th prizes of \$75,000; four 5th prizes of \$50,000 each; four 6th prizes of \$25,000 each; and six 7th prizes of \$10,000 each. The director reserves the right provided by WAC 315-10-030(7)(a) to place any instant prize winner who is entitled to entry in a Grand Prize Drawing whose entry was not entered into the elimination drawing for such Grand Prize Drawing and who is subsequently determined to have been entitled to such entry, into the elimination drawing of a subsequent Grand Prize Drawing of a subsequent instant game having equal (or greater) Grand Prizes available.

(7) Notwithstanding any other provisions of these rules, the director may: (a) vary the length of Instant Game Number 3, and/or (b) vary the number of tickets sold in Instant Game Number 3 and the number of Grand Prize Drawing winners in a manner that will maintain the estimated average odds of winning a Grand Prize Drawing.

NEW SECTION

**WAC 315-11-052** **TICKET VALIDATION REQUIREMENTS.** (1) Besides meeting all of the other requirements of these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 3. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one Play Number must appear under each of the six rub-off spots in the right-hand portion of the ticket.

(b) Each of the six Play-Numbers must have a Caption underneath, and each Play Number must agree with its Caption.

(c) Each of the six Play Numbers must be present in its entirety and be fully legible.

(d) Each of the six Captions must be present in its entirety and be fully legible.

(e) Each of the six Play Numbers and their Captions must be printed in gray-black ink.

(f) The ticket shall be intact.

(g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the lottery's codes, to the Play Numbers on the ticket.

(h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(i) The ticket must not be counterfeit in whole or in part.

(j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and the Pack-Ticket Number shall be printed in red ink.

(k) The ticket must have been issued by the director in an authorized manner.

(l) The ticket must not be stolen nor appear in any list of omitted tickets on file with the director.

(m) The Play Numbers, Captions, Validation Number, Agent Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.

(n) The ticket must be complete, not miscut, have exactly one Play Number and exactly one Caption under each of the six rub-off spots, exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.

(o) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.

(p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.

(q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-050(1) above and each of the Captions to the six Play Numbers must be exactly one of those described in WAC 315-11-050(4) above.

(r) Each of the six Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file with the director; each of the six Captions must be printed in the 5 x 9 font and must correspond precisely to the artwork on file

with the director; the Pack-Ticket Number must correspond precisely to the artwork on file with the director; and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

(s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.

(t) No portion of the "DO NOT REMOVE" spot is exposed.

(u) The ticket must pass all additional confidential validation requirements of the director.

(2) Any ticket failing any of the validation requirements in WAC 315-11-052(1) is void and ineligible for any prize.

(3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-052(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

**WSR 83-17-010****ADOPTED RULES****LOTTERY COMMISSION**

[Order 32—Filed August 5, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-11-060, 315-11-061 and 315-11-062.

This action is taken pursuant to Notice No. WSR 83-13-078 filed with the code reviser on June 17, 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 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 5, 1983.

By Lenore M. Lambert  
Acting Chairperson

NEW SECTION

**WAC 315-11-060** **DEFINITIONS FOR INSTANT GAME NUMBER 4 ("BASEBALL").** (1)

Play Numbers for Instant Game Number 4 – There are three types of "Play Numbers" in Instant Game Number 4: "Your Score Play Numbers", "Their Score Play Numbers", and "Prize Play Numbers", which have the following definitions:

(a) "Your Score Play Numbers" are the "Play Numbers" which appear under the nine rub-off "baseball spots" which are adjacent to each other horizontally at the bottom, right-hand portion of the ticket front and are one of the following: 0, 1, 2, 3, 4, 5, or 6;

(b) "Their Score Play Numbers" are the "Play Numbers" which appear under the rub-off spot printed with the phrase "THEIR SCORE" on it, which spot is in the center, right-hand portion of the ticket front; "Their Score Play Numbers" are one of the following: 1, 2, 3, 4, 5, 7, or 9; each "Their Score Play Numbers" has the word "THEIR" printed immediately above it on the ticket and under the rub-off spot in 5 x 9 font in positive;

(c) "Prize Play Numbers" are the "Play Numbers" which appear under the rub-off "prize spot," which is the rub-off spot in the center, right-hand portion of the ticket front (to the right of the "THEIR SCORE" spot) with the word "PRIZE" printed on the rub-off covering; "Prize Play Numbers" are one of the following: "\$2.00," "\$5.00," "50.00," "\$500," "\$1,000," "\$5,000," or "\$20,000"; each "Prize Play Number" has the word "PRIZE" printed immediately above it on the ticket and under the rub-off in 5 x 9 font in positive. Each Play Number is printed in Archer font in positive and in gray-black ink.

(2) Validation Number for Instant Game Number 4 – The nine-digit number on the front, top center of the ticket under the "DO NOT REMOVE" area.

(3) Pack-Ticket Number for Instant Game Number 4 – The ten-digit number of the form 4000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of each Pack-Ticket Number for Instant Game Number 4 constitute the "Pack-Number" and start at 4000001; the last three digits constitute the "Ticket Number" which starts at 000 and continues through 199 within each pack of tickets.

(4) Captions for Instant Game Number 4 – The small printed material appearing below each Play Number which verifies and corresponds with that Play Number. The caption is a spelling out, in full or abbreviated form, of the Play Number. Only one of these Captions appears under each Play Number; it is printed in gray-black ink in positive in in 5 x 9 font. The Captions which correspond with and verify each Play Number are:

(a) Your Score Play Number	Caption
0	ZER
1	ONE
2	TWO
3	THR
4	FOR
5	FIV
6	SIX

(b) Their Score Play Number	Caption
1	ONE
2	TWO
3	THREE

4	FOUR
5	FIVE
7	SEVEN
9	NINE

(c) Prize Play Number	Caption
\$2.00	TWO
\$5.00	FIVE
50.00	FIFTY
\$500	5 HUND
\$1,000	ONE THOU
\$5,000	FIVE THOU
20,000	TWTY THOU

(5) Agent Validation Codes for Instant Game Number 4 – Codes consisting of small letters found under the removable covering on the ticket front, which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 4, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of eight locations beneath the removable covering and among the "Your Score Play Numbers. The Agent Validation Code is used by the sales agent to verify \$2.00 and \$5.00 winners and the Code which corresponds with, and verifies, each of these winners is as follows:

TWO = \$2.00  
FIV = \$5.00

(6) Pack for Instant Game Number 4 – A pack of 200 fanfolded instant game tickets, packed in a plastic bag or plastic shrinkwrapping, which are attached to each other by perforations, at which the licensed agent tears when the agent sells a ticket.

**Reviser's note:** The typographical errors in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 315-11-061 CRITERIA FOR INSTANT GAME NUMBER 4. (1) The price of each instant game ticket shall be \$1.00

(2) Determination of Prize Winning Tickets – An instant prize winning ticket is determined in Instant Game Number 4 in the following manner: Add the nine "Your Score Play Numbers" on the ticket to obtain the total of "Your Score." If the total "Your Score" is greater than "Their Score" (which is the "Their Score Play Number" on the ticket), the ticket is a winner of the cash prize determined by the "Prize Play Number." The "Prize Play Numbers" have the following instant cash prize values:

Prize Play Number	=	Instant Cash Prize Value
\$2.00	=	\$2.00 (two dollars)
\$5.00	=	\$5.00 (five dollars)
50.00	=	\$50.00 (fifty dollars)
\$500	=	\$500 (five hundred dollars)
\$1,000	=	\$1,000 (one thousand dollars)
20,000	=	\$20,000 (twenty thousand dollars)

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) In all events, the determination of prize winning tickets shall be subject to the general ticket validation requirements, to the particular ticket validation requirements for Instant Game Number 4, and to the requirements set forth on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set forth on the back of the ticket.

(6) Participants in the Grand Prize Drawings shall be those validated instant prize winners of exactly \$50 who submit prize claims within 30 days after the announced end of Instant Game Number 4 in the manner prescribed on the back of the instant ticket. One Grand Prize Drawing will be held for Instant Game Number 4 after that game's conclusion, at the time and place and pursuant to the methods to be announced by the director. The prizes to be awarded in the Grand Prize Drawing will be: one 1st prize of \$1,000 a week for life with the weekly prize payments starting at age 18 or older, with a minimum payment of \$1,000,000 guaranteed; two 2nd prizes of \$500,000 paid as \$50,000 per year for ten years; seven 3rd prizes of \$50,000 each; and ten 4th prizes of \$10,000 each. The director reserves the right provided by WAC 315-10-030(7)(a) to place any instant prize winner who is entitled to entry in a Grand Prize Drawing whose entry was not entered into the elimination drawing for such Grand Prize Drawing and who is subsequently determined to have been entitled to such entry, into the elimination drawing of a subsequent Grand Prize Drawing of a subsequent instant game having equal (or greater) Grand Prizes available.

(7) Notwithstanding any other provisions of these rules, the director may: (a) vary the length of Instant Game Number 4, and/or (b) vary the number of tickets sold in Instant Game Number 4, and the number of winners in a manner that will maintain the estimated average odds of winning a Grand Prize Drawing.

#### NEW SECTION

WAC 315-11-062 **TICKET VALIDATION REQUIREMENTS.** (1) Besides meeting all of the other requirements in these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 4. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one Your Score Play Number must appear under each of the nine baseball rub-off spots in the bottom, right portion of the ticket; exactly one Their Score Play Number must appear under the "Their Score" rub-off spot in the center, right portion of the ticket; and exactly one Prize Play Number must appear under the "Prize" rub-off spot to the right of the "Their Score" rub-off spot on the ticket.

(b) Each of the Play Numbers must have a Caption underneath, and each Play Number must agree with its Caption.

(c) Each of the Play Numbers must be present in its entirety and be fully legible.

(d) Each of the Captions must be present in its entirety and be fully legible.

(e) Each of the Play Numbers and their Captions must be printed in gray-black ink.

(f) The ticket shall be intact.

(g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the lottery's codes, to the Play Numbers on the ticket.

(h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(i) The ticket must not be counterfeit in whole or in part.

(j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and Pack-Ticket Number shall be printed in red ink.

(k) The ticket must have been issued by the Director in an authorized manner.

(l) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.

(m) The Play Numbers, Captions, Validation Number, Agent validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.

(n) The ticket must be complete, and not miscut, and have the exact number of Play Numbers and corresponding Captions under the rub-off spots, exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.

(o) The Validation Number of an apparent winning ticket shall appear on the lottery's Official List of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.

(p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.

(q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-060(1) above and each of the Captions to the Play Numbers must be exactly one of those described in WAC 315-11-060(4) above.

(r) Each of the Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the the artwork on file with the Director; each of the Captions must be printed in the 5 x 9 font and must correspond precisely to the artwork on file with the Director; the Pack-Ticket Number must correspond precisely to the artwork on file with the Director; and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the Director.

(s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the Director.

(t) No portion of the "DO NOT REMOVE" is exposed.

(u) The ticket must pass all additional confidential validation requirements of the Director.

(2) Any ticket failing any of the validation requirements in WAC 315-11-062(1) is void and ineligible for any prize.

(3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the Lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from

any other current Lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-062(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

**WSR 83-17-011**  
**ADOPTED RULES**  
**LOTTERY COMMISSION**  
[Order 33—Filed August 5, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to adding new sections WAC 315-11-070, 315-11-071 and 315-11-072.

This action is taken pursuant to Notice No. WSR 83-13-079 filed with the code reviser on June 17, 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 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 5, 1983.  
By Lenore M. Lambert  
Acting Chairperson

NEW SECTION

WAC 315-11-070 DEFINITIONS FOR INSTANT GAME NUMBER 5 ("MAGIC CARDS").

(1) Play Numbers for Instant Game Number 5 – The following are the "Play Numbers": "A", "K", "Q", "J", "10", and a graphic depiction of a rabbit. Each such Play Number is printed in gray-black ink in the Archer font in positive and one of these Play Numbers appears under each of the six rub-off spots on the ticket front.

(2) Validation Number for Instant Game Number 5 – The nine-digit number on the front, bottom right of the ticket under the "DO NOT REMOVE" area. There is no ticket stub for Instant Game Number 5.

(3) Pack-Ticket Number for Instant Game Number 5 – The ten-digit number of the form 5000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the Pack-Ticket Number for Instant Game Number 5 constitute the "Pack-Number" and start at 5000001; the last three digits constitute the "Ticket Number" which starts at 000 and continues sequentially through 399 within each pack of tickets.

(4) Captions for Instant Game Number 5 – The small printed material appearing below each Play Number which verifies and corresponds with that Play Number. The Caption is a spelling out, in full or abbreviated

form, of the Play Number. Only one Caption appears under each Play Number and is printed in gray-black ink in positive in 5 x 9 font. For Instant Game Number 5, the Captions which correspond with and verify the Play Numbers are:

*This appears to be the word illustration to match with it. ! for \$5 ! etc*

Play Number

Caption

10  
J  
Q  
K  
A

RABBIT  
TEN  
JACK  
QUEEN  
KING  
ACE

(5) Agent Validation Codes for Instant Game Number 5 – Codes consisting of small letters found under the removable covering on the ticket front, which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 5, the Agent Validation Code is a three-letter code, with each letter appearing in a varying three of seven locations beneath the removable covering and among the Play Numbers. The Agent Validation Codes used by the licensed agent to verify 1 free ticket, \$2 and \$5 winners are as follows:

TIC = 1 Free Ticket  
TWO = \$2  
FIV = \$5

(6) Pack For Instant Game Number 5 – A pack of 400 fanfolded instant game tickets, attached to each other by perforations and packed in a plastic bag or a plastic shrinkwrapping. The licensed agent separates the tickets at the perforations at the time of retail sale.

NEW SECTION

WAC 315-11-071 CRITERIA FOR INSTANT GAME NUMBER 5. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of Prize Winning Tickets – An instant prize winning ticket is determined in Instant Game Number 5 in the following manner:

(a) A "1 free ticket" prize winning ticket shall have an occurrence of a rabbit as a Play Number in each of 3 separate spots on the ticket;

(b) A \$2 prize winning ticket shall have an occurrence of "10" as a Play Number in each of 3 separate spots on the ticket;

(c) A \$5 prize winning ticket shall have an occurrence of "J" as a Play Number in each of 3 separate spots on the ticket;

(d) A \$50 prize winning ticket shall have an occurrence of "Q" as a Play Number in each of 3 separate spots on the ticket;

(e) A \$1,000 prize winning ticket shall have an occurrence of "K" as a Play Number in each of 3 separate spots on the ticket;

(f) A \$25,000 prize winning ticket shall have an occurrence of "A" as a Play Number of 3 separate spots on the ticket;

(g) In any event, only the highest instant prize amount meeting the standards of (a) through (f) will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements, to the particular validation requirements for Instant Game Number 5, and to the requirements set forth on the back of each ticket.

(5) Instant prize winning tickets shall be redeemed in the manner set forth on the back of the ticket.

(6) Participants in the Grand Prize Drawings shall be those validated instant prize winners of exactly \$50 who submit prize claims within 30 days after the announced end of Instant Game Number 5 in the manner prescribed on the back of the instant ticket. One Grand Prize Drawing will be held for Instant Game Number 5 after that game's conclusion, at a time and place and pursuant to the methods to be announced by the director. The prizes to be awarded in the Grand Prize Drawing will be: one 1st prize of \$1,000 a week for life with the weekly prize payments starting at age 18 or older, with a minimum payment of \$1,000,000 guaranteed to the winner; one 2nd prize of \$500,000 paid as \$50,000 per year for ten years; one 3rd prize of \$200,000 paid as \$20,000 per year for ten years; one 4th prize of \$75,000 cash; two 5th prizes of \$50,000 cash each; and four 6th prizes of \$25,000 cash each. The director reserves the right provided by WAC 315-10-030(7)(a) to place any instant prize winner who is entitled to entry in a Grand Prize Drawing whose entry was not entered into the elimination drawing for such Grand Prize Drawing and who is subsequently determined to have been entitled to such entry, into the elimination drawing of a subsequent instant game Grand Prize Drawing having equal (or greater) Grand Prizes available.

(7) Notwithstanding any other provisions of these rules, the director may: (a) vary the length of Instant Game Number 5 not to exceed 15 weeks, and/or (b) vary the number of tickets sold in Instant Game Number 5 and the number of Grand Prize Drawing winners in a manner that will maintain the estimated average odds of winning a Grand Prize Drawing.

#### NEW SECTION

WAC 315-11-072. **TICKET VALIDATION REQUIREMENTS.** (1) Besides meeting all of the other requirements in these rules and regulations, the following validation requirements will apply to instant game tickets in Instant Game Number 5. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one Play Number must appear under each of the six rub-off spots in the right portion of the ticket.

(b) Each of the six Play Numbers must have a Caption underneath, and each Play Number must agree with its Caption.

(c) Each of the six Play Numbers must be present in its entirety and be fully legible.

(d) Each of the six Captions must be present in its entirety and be fully legible.

(e) Each of the six Play Numbers and their Captions must be printed in gray-black ink.

(f) The ticket shall be intact.

(g) The Pack-Ticket Number, Validation Number and Agent Validation Code must be present in their entirety and be legible. The Validation Number shall correspond, using the lottery's codes, to the Play Numbers on the ticket.

(h) The ticket must not be mutilated, altered, unreadable, reconstituted, or tampered with in any manner.

(i) The ticket must not be counterfeit in whole or in part.

(j) The Validation Number and Agent Validation Code shall be printed in gray-black ink, and the Pack-Ticket Number shall be printed in red ink.

(k) The ticket must have been issued by the director in an authorized manner.

(l) The ticket must not be stolen nor appear on any list of omitted tickets on file with the director.

(m) The Play Numbers, Captions, Validation Number, Agent Validation Code, and Pack-Ticket Number must be right side up and not reversed in any manner.

(n) The ticket must be complete, not miscut, have exactly one Play Number and exactly one Caption under each of the six rub-off spots, exactly one Pack-Ticket Number, exactly one Agent Validation Code, and exactly one Validation Number.

(o) The Validation Number of an apparent winning ticket shall appear on the lottery's official list of Validation Numbers of winning tickets; and a ticket with that Validation Number shall not have been previously paid.

(p) The ticket must not be blank, or partially blank, misregistered, defective, or printed or produced in error.

(q) Each of the Play Numbers must be exactly one of those described in WAC 315-11-070(1) above and each of the Captions to the six Play Numbers must be exactly one of those described in WAC 315-11-070(4) above.

(r) Each of the six Play Numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file with the director; each of the six Captions must be printed in the 5 x 9 font and must correspond precisely to the artwork on file with the director; the Pack-Ticket Number must correspond precisely to the artwork on file with the director; and the Validation Number must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

(s) The display printing must be regular in every respect and correspond precisely with the artwork on file with the director.

(t) No portion of the code underneath the "DO NOT REMOVE" covering is exposed.

(u) The ticket must pass all additional confidential validation requirements of the director.

(2) Any ticket failing any of the validation requirements in WAC 315-11-072(1) is void and ineligible for any prize.

(3) The director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current lottery game). In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from



any other current lottery game). However, (a) if the only validation check that a ticket fails is WAC 315-11-072(1)(t), or (b) if the ticket is partially mutilated, or (c) if the ticket is not intact, and the ticket can still be validated by the other validation requirements, the director may, in his or her discretion, pay the prize for that ticket.

**WSR 83-17-012**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1993—Filed August 5, 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 mandatory monthly reporting, amending WAC 388-24-044.

This action is taken pursuant to Notice No. WSR 83-13-031 filed with the code reviser on June 8, 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 August 3, 1983.

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

**AMENDATORY SECTION** (Amending Order 1863, filed 8/18/82)

**WAC 388-24-044** **MANDATORY MONTHLY REPORTING.** (1) As a condition of continuing eligibility for AFDC and RA, ~~((the))~~ certain recipients must return to the department a completed monthly status report (MSR) by the fifth day of the month following the month for which the MSR describes the household circumstances. Recipients who must report monthly are those with:

- (a) Income,
- (b) Deprivation or reduction in earnings occurring within the last twelve months,
- (c) Fraud overpayment,
- (d) An eighteen year old in school,
- (e) WIN exemption due to remoteness or illness,
- (f) An individual sixteen or seventeen years of age in school,
- (g) An individual without a social security number,
- (h) Shelter costs over eighty percent of the payment standard.

(2) Failure to return a completed MSR by the fifth day of the month shall result in termination except as provided in subsection (3) of this section.

(3) If the recipient furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (2) of this section, the department shall:

(a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the recipient is still eligible.

(4) If the information on the replacement form indicates the recipient is ineligible or eligible for an amount less than the prior month's payment, the department must notify the recipient according to chapter 388-33 WAC.

~~((These rules shall become effective on August 15, 1982.))~~

**WSR 83-17-013**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-83—Filed August 5, 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.

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 August 5, 1983.

By William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-24-02000W** **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and 220-24-030, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for commercial purposes in the waters of the Pacific Ocean except as provided in this section:

(1) Effective August 7, 1983 through August 20, 1983, it is lawful to take pink salmon and sockeye salmon only in those waters northerly of a line drawn due west from Carroll Island using terminal gear consisting of bare blued hooks trolled with or without flashers. For purposes of this subsection, a "bare blued hook" is defined as a hook made of blue steel or a hook that is entirely blue in color to which no material or bait is attached, and no material, bait, or attractants of any kind may be attached to the line ahead of the blued hook.

(2) Effective August 10, 1983, through August 22, 1983, it is unlawful to have in possession or land in any Washington State port chinook salmon or coho salmon northerly of a line drawn due west from Point Brown.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000V **LAWFUL ACTS—TROLL FISHERY (83-59)**

#### **WSR 83-17-014**

##### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 83-84—Filed August 5, 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 fishing regulations.

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 August 5, 1983.

By William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-56-1900Z **SALTWATER SEASONS AND BAG LIMITS.** Notwithstanding the provisions of

WAC 220-56-190, effective immediately, it is unlawful to fish for, or take and retain salmon taken for personal use from the waters of the Pacific Ocean except as provided for in this section:

(1) It is lawful to fish under bag limit F in those waters north of a line projected due west from the mouth of the Queets River until further notice.

(2) It is lawful to fish under bag limit F in all waters southerly of a line drawn due west from the tip of the north jetty at Gray's Harbor (Point Brown) and northerly of a line drawn due west from the southern most point on North Head at the mouth of the Columbia River until further notice.

(3) It is lawful to fish under bag limit F in those waters southerly of a line drawn due west from the southern most point on North Head and northerly of a line drawn due west from the end of the south jetty at the mouth of the Columbia River, until August 15, 1983.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000Y **SALTWATER SEASONS AND BAG LIMITS (83-78)**

#### **WSR 83-17-015**

##### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 83-85—Filed August 5, 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 will 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 August 5, 1983.

By William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-52-06600B **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, except that a test fishery is authorized within Port Angeles Harbor for boats utilizing a single brail and lights with a total of no more than 1000 watts for commercial fishing 75 feet or more from docks, piers and the shoreline between the hours of midnight and 6:00 a.m., and any fishermen participating in this fishery must complete the Department of Fisheries' squid harvest log and return the completed log to the Department of Fisheries on a weekly basis post marked no later than midnight Friday of each week.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-52-06600A SQUID FISHERY (83-56)

**WSR 83-17-016**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-86—Filed August 5, 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.

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, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye and pink fisheries under the direction of IPSFC. Opening in Areas 7B, 8A and 12 provide opportunity to harvest non-Indian chinook allocations. All other areas are closed to prevent overharvest. Troll restrictions in Area 4B, 5 and 6C provide protection for chinook and coho stocks.

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

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

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

APPROVED AND ADOPTED August 5, 1983.

By William R. Wilkerson  
 Director

#### NEW SECTION

WAC 220-47-803 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B - Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear is restricted to 5-7/8-inch maximum mesh, when open. It is unlawful to possess or land troll-caught chinook and coho harvested in Area 4B when trolling is allowed under IPSFC fishing regulations. Additionally, troll gear is restricted to bare, blued hooks and flashers when trolling is allowed under IPSFC regulations.

\*Areas 5 and 6C - Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open. Additionally, effective August 7 it shall be unlawful to land troll-caught chinook and coho harvested in Areas 5 and 6C.

Areas 6, 6A, 7, and 7A - Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Area 7D - Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce.

\*Area 7B - Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly August 9 through the morning of August 12. That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeast tip of Guemes Island is closed as provided in WAC 220-47-307.

\*Area 8A, excluding those waters northerly of a line from Camano Head to Hermosa Point on the north end of Tulalip Bay -

*Closed except gill nets with 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly August 9 through the morning of August 12. The Port Gardner Preserve is closed as provided in WAC 220-47-307.*

*\*Area 12 - Closed except gill nets with 7-inch minimum mesh may fish from 7:00 PM August 9 to 9:30 AM August 10. That portion of Area 12 near the mouth of Big Beef Creek is closed as provided in WAC 220-47-307.*

*\*Areas 6B, 6D, 7C, 8, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12A, 12B, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.*

### **REPEALER**

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-47-802 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-79)**

**WSR 83-17-017**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-87—Filed August 5, 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.

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, 6C, 7 and 7A provide protection for summer-fall chinook during IPSFC sockeye and pink management. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and Strait of Juan De Fuca tributaries provide protection for local chinook stocks. Restrictions in Area 13A and Minter Creek provide protection for spring chinook returning to Minter Creek Hatchery. Restrictions in Area 12C provide protection for summer-fall chinook and pink salmon returning to Hoodspout Hatchery. Restrictions in Areas 6B, 7B, 8, 8A, 9, 10, 11, 11A, 12, 12B, 13, Nooksack, Puyallup, Snohomish, and Stillaguamish Rivers provide protection for weak Puget Sound pink stocks. Restrictions in 10B, 10C, 10D, Cedar River, least restrictive regulations, providing opportunity to harvest chinook and protect Lake Washington sockeye.

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

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

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

APPROVED AND ADOPTED August 5, 1983.

By William R. Wilkerson  
 Director

### **NEW SECTION**

**WAC 220-28-310 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, and 6C - Drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*\*Areas 6 and 6A - Gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6B and 9 - Effective through September 10, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 6D and Dungeness River - Effective through September 24, closed to all commercial fishing.*

*Areas 7 and 7A - Gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Area 7B - Effective through August 25, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 7C - Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to the fishing boundary marker on Samish Island. In that portion northwesterly of the Oyster Creek line, effective through August 6, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited. Effective August 7, entire Area 7C closed to all commercial fishing.*

*\*Area 8 - Effective 2:00 PM August 7 through September 24, gill net gear restricted to 7-inch minimum mesh when open, purse seine gear is prohibited, and all other gear must immediately release pink salmon.*

*\*Area 8A - Effective 2:00 PM August 7 through September 10, gill net gear restricted to 7-inch minimum mesh when open, purse seine gear is prohibited, and all other gear must immediately release pink salmon.*

*\*Areas 10, 11, and 11A - Effective through September 10, gill nets restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.*

\*Area 10B – Effective through September 24, gill nets restricted to 6-1/2-inch minimum mesh, and all other gear must release sockeye when open.

\*Area 10C – Closed to all commercial fishing.

\*Area 10D – Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh, and all other gear must release sockeye when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing through December 31.

Areas 12 and 12B – Effective through September 3, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.

Area 12C – Effective through September 30, closed to all commercial fishing within 1,000 feet of the western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park.

\*Area 13 – Effective 2:00 PM August 7 through October 1, excluding that portion north of a line from Green Point on the eastern shoreline of Carr Inlet to the flashing signal beacon #4 on the west shoreline, gill net gear is restricted to 7-inch minimum mesh when open, purse seine gear is prohibited, and all other gear must immediately release pink salmon.

Area 13A – Effective through August 15, 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.

Cedar River – Closed to all commercial fishing.

Nooksack River – Mouth to Marietta Bridge, effective through August 25, commercial net gear restricted to 7-inch minimum mesh, when open; Marietta Bridge to the confluence of the north and south forks, effective through September 1, gill net gear restricted to 7-1/2-inch minimum mesh, when open; upstream of the confluence of north and south forks, closed to all net gear.

Puyallup River – Effective through September 10, gill nets restricted to 7-1/2-inch minimum mesh, when open.

Minter Creek – Closed to all net gear through August 15.

\*Stillaguamish and Snohomish rivers – Effective 2:00 PM August 7 through September 10, gill net gear restricted to 7-1/2" minimum mesh, when open.

Skagit River – upstream of Baker River confluence and all Skagit tributaries, closed to all commercial fishing.

Samish River – Closed to all commercial fishing.

*Elwha, Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail, and Pysht rivers, and Salt and Deep creeks – Effective through September 24, closed to all commercial fishing.*

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-309 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-82)

**WSR 83-17-018**

**ATTORNEY GENERAL OPINION**

**Cite as: AGO 1983 No. 15**

[August 5, 1983]

COUNTIES—CITIES AND TOWNS—TAXATION—INITIATIVE AND REFERENDUM—REFERENDUM ON ADDITIONAL LOCAL SALES AND USE TAX AND REAL ESTATE EXCISE TAX

As a consequence of the enactment of §§ 2 and 3, chapter 99, Laws of 1983, every county or city ordinance enacted after the effective date of that act (April 22, 1983) which imposes or alters the rate of a local sales or use tax imposed under RCW 82.14.030(2) or a real estate excise tax imposed under RCW 82.46.010(2), is subject to the referendum procedures prescribed by those two sections of the subject act.

Requested by:

Honorable Avery Garrett, Chairman  
Municipal Research Council  
4719 Brooklyn Avenue N.E.  
Seattle, Washington 98105

**WSR 83-17-019**

**NOTICE OF PUBLIC MEETINGS  
FOREST PRACTICES BOARD**

[Memorandum—August 8, 1983]

Notice is hereby given in accordance with the provisions of RCW 42.30.080 that the Forest Practices Board will at 1:00 p.m., August 31, 1983, in Room 301, Public Lands Building, Olympia, Washington, hold a public meeting. The business to be transacted at the meeting shall include the following: (a) Update of Riparian Habitat Study; (b) Review of Lake Whatcom Lawsuit; (c) Presentation of Reforestation Survey Results; (d) Review of Forest Practices Field Inspections and Status of Rule Implementation; (e) Update of State Environmental Policy Legislative Changes; (f) Proposed Board Meeting Schedule.

This meeting shall continue at 8:30 a.m., September 1, 1983, with the board members meeting behind the Public Lands Building for a field trip to review forest practices.

Additional information may be obtained by contacting the Division of Private Forestry and Recreation, Department of Natural Resources, Olympia, Washington 98504.

**WSR 83-17-020**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 1999—Filed August 8, 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, amending chapter 388-54 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 amendments to 7 CFR 272, 273, 276 and 277 published in the Federal Register on February 15, 1983, beginning on page 6836.

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 August 8, 1983.

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

AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-815 ((FAIR HEARINGS)) CONFERENCE. ((Fair hearings for food stamp purposes shall be conducted as set forth in WAC 388-08, except for provisions listed below:

(1) ~~Each household shall be provided with a notification of right to a hearing:~~

(a) ~~At the time of application, notification shall be made in writing to the household of its rights to a hearing, of the method by which a hearing may be requested and that its case may be presented by a household member or a representative.~~

(b) ~~Any time the household expressed to the department that it disagrees with a department action, it shall be reminded of the right to request a fair hearing.~~

(c) ~~The household shall be reminded of individuals or organizations available that provide free legal representative:~~

~~(2) A household shall be allowed to request a fair hearing:~~

~~(a) On any action by the department or loss of benefits which occurred in the prior 90 days;~~

~~(b) On a denial of a request for restoration of any benefits lost more than 60 days, but less than a year prior to the request;~~

~~(c) At any time within a certification period to dispute its current level of benefits.~~

~~(3)) The department shall offer a conference to households:~~

~~((a)) (1) ((Which wish)) Wishing to contest a denial of expedited service. This conference shall be scheduled within two working days unless the household indicates ((it wants it)) wanting a conference later or ((does)) not ((want)) wanting a conference at all.~~

~~((b)) (2) ((Which are)) Adversely affected by an agency action.~~

~~((c)) (3) With the department ((shall advise)) advising the household that use of a conference shall in no way delay or replace the fair hearing.~~

~~((4) The department shall have the following responsibilities on receiving hearing request:~~

~~(a) The department, upon request, shall make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing.~~

~~(b) If the individual making the request speaks a language other than English, the department shall insure that the hearing procedures are verbally explained in that language but only in those areas in which the department is required to provide the appropriate bilingual staff.~~

~~(c) The department shall also help a household with its hearing request.~~

~~(d) If a household makes an oral request for a hearing, the department shall confirm the request in writing and forward the written confirmation to the fair hearings office to start the fair hearing process.~~

~~(e) The department shall inform the household of the availability of legal services which can provide representation at the hearing.~~

~~(5) The department shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the state before the hearing decision would normally be reached. Hearing requests from these individuals shall be processed faster than others if necessary to enable them to receive a decision before they leave the area.~~

~~(6) The department shall publish clearly written uniform rules of procedure that conform to the fair hearing regulations and shall make the rules available to any interested party. These shall include:~~

~~(a) Time limits for hearing requests;~~

~~(b) Advance notification requirements;~~

~~(c) Hearing timeliness standards;~~

~~(d) Rights and responsibilities of persons requesting a hearing.~~

~~(7) The secretary or his designee shall not deny or dismiss a request for a hearing unless:~~

~~(a) The request is not received within the time period specified:~~

~~(b) The request is withdrawn in writing by the household or its representative.~~

~~(c) The household or its representative fails, without good cause, to appear at the scheduled hearing.~~

~~(8) When a household is notified of the time and place of the fair hearing, it shall also be advised:~~

~~(a) Of the name, address and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing;~~

~~(b) That the secretary or his designate will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause;~~

~~(c) Of any hearing procedures and other information that would provide the household with an understanding of the proceedings and that would contribute to the effective presentation of the household's case;~~

~~(d) That the household or representative may examine the case file prior to the hearing.~~

~~(9) When a hearing decision has been reached, the secretary or his designate shall notify the household in writing of:~~

~~(a) The reasons for the decision;~~

~~(b) The evidence which supports the decision;~~

~~(c) The federal regulations as codified in WAC;~~

~~(d) The household's appeal rights;~~

~~(e) That the household's benefits will be issued or terminated as decided by the hearing authority.~~

~~(10) The hearing decision is binding upon the department.~~

~~(11) The department will be responsible for insuring that the hearing decision is carried out:~~

~~(a) If the hearing authority determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided to the household.~~

~~(b) If the hearing authority upholds the department's action, a claim against the household for any overissuances shall be prepared and executed.~~

~~(12) Within 60 days of receipt of a request for a fair hearing or within 90 days of notification that a fraud hearing has been initiated, the department shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision.~~

~~(a) Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if the department must provide a supplementary ATP or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.~~

~~(b) Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.~~

~~(13) The household may request and is entitled to receive a postponement of the scheduled hearing:~~

~~(a) The postponement shall not exceed 30 days and~~

~~(b) The time limit for action on the decision may be extended for as many days as the hearing is postponed.))~~

## NEW SECTION

WAC 388-54-817 ADMINISTRATIVE HEARINGS. Fair hearings in the food stamp program are governed by chapters 10-08, 388-08 WAC, and this section.

(1) This subsection governs a food stamp applicant's or recipient's appeal of a department action or decision that aggrieves him or her.

(a) An applicant or participant in the food stamp program has the right to a fair hearing:

(i) On an action by the department or loss of benefits which occurred in the prior ninety days;

(ii) On a denial of a request for restoration of any benefits lost more than sixty days, but less than a year prior to the request;

(iii) At any time within a certification period to dispute the household's current level of benefits.

(b) The appellant must make the request for a hearing within ninety days of receipt of the decision he or she wishes to appeal.

(c) The final administrative decision is to be made within sixty days of the department's receipt of the request for hearing.

(i) The decision rendering time is extended by as many days as the hearing is continued by a continuance or continuances made on motion by or with the assent of the appellant.

(ii) A hearing request from a household that plans to move from the state before the hearing decision would normally be entered shall be expedited.

(d) Before and during the hearing, the appellant or his or her representative with appellant's written authorization, may inspect the department file or files containing information related to the issue raised in the request for hearing. WAC 388-08-435 states the right of access to, and procedures for disclosure of, investigative and intelligence files.

(e) The hearing is conducted in the county of the appellant's residence unless the appellant moves for or assents to the hearing being conducted in another county. When the hearing is conducted by telephone, for the purposes of this rule the hearing is conducted in the appellant's county of residence when the appellant participates in the hearing from a location in his or her county of residence regardless of the location or locations from which the department's representative and/or the presiding and review officer participate in the hearing.

(f) The decision rendering procedure is the initial decision, petition for review, and review decision procedure described in WAC 388-08-409 and 388-08-413, except the period to timely file a petition for review is ten days from the date the initial decision was mailed.

(g) The department is responsible for carrying out the hearing decision.

(i) If the hearing authority determines a household was incorrectly denied program benefits or was issued a lesser allotment than was due, lost benefits shall be provided to the household.

(ii) If the hearing authority determines a household is entitled to an increase in benefits, the increase shall be reflected in the coupon allotment within ten days of the



receipt of the hearing decision even if the department must provide a supplementary FCA or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.

(iii) If the hearing authority determines a household is entitled to a decrease in benefits, the decrease shall be reflected in the next scheduled issuance following entry of the final decision.

(iv) If the hearing authority determines the department's action was correct, a claim against the household for any overissuances shall be prepared and processed.

(h) A copy of the tape recording of the hearing is provided at no cost to the appellant upon written request. The request must be made within one year of the hearing and made to the office of hearings.

(2) Administrative disqualification hearings are governed by this subsection.

(a) The individual alleged to have committed an act of intentional program violation shall be given at least thirty days advance notice of the hearing date.

(b) The notice of hearing shall be served on the individual alleged to have committed intentional program violation by a method which obtains proof of receipt.

(c) The notice of hearing shall comply with WAC 10-08-040 and the notice, and/or the complaint accompanying the notice, shall contain the following information necessary to comply with federal requirements:

(i) The allegations against the individual;

(ii) A summary of the department's evidence and how and where the evidence can be examined;

(iii) A statement that if the individual or his or her representative fails without good cause to appear at the hearing, a decision will be made based solely on the evidence and argument the department presents.

(iv) A statement that the individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for the failure to appear and seeking a new hearing.

(d) The individual, or his or her representative, has the right to one continuance of up to thirty days upon request, provided the motion for the continuance is filed at least ten days in advance of the hearing date.

(e) If the individual alleged to have committed intentional program violation, or his or her representative, fails to appear at the hearing without good cause, the hearing shall be conducted without the individual or representative.

(i) The decision shall be based solely on the evidence and argument the department presents.

(ii) The individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for failure to appear and requesting that the hearing be reinstated.

(f) When the individual appears at the disqualification hearing, the presiding officer shall advise the individual that he or she may refuse to answer questions during the hearing.

(g) The burden of showing intentional program violation is on the department. The burden of proof is clear and convincing evidence.

(h) Within ninety days of the date the individual receives the notice of hearing, the final decision shall be entered.

(3) When a food stamp overpayment allegation is combined with a disqualification allegation, subsections (2) and (3) of this section govern the hearing.

(a) The department may combine a food stamp overpayment allegation and an administrative disqualification allegation into a single hearing when the facts alleged for each arise out of the same or related circumstances.

(b) When the overpayment and disqualification allegations are combined into a single hearing, the department must give the individual alleged to have committed intentional program violation and the person or persons alleged to be liable for the overpayment prior notice. Such notice may be given in the notice or notices of hearing or other written document which apprises the individual that the hearings have been combined.

(c) When the overpayment and the disqualification hearings are combined, the hearing procedures and time frames shall be those applicable to a disqualification hearing.

(d) When the overpayment allegation and the disqualification allegation hearings are combined, the household loses its right to a subsequent fair hearing on the overpayment allegation.

#### AMENDATORY SECTION (Amending Order 1773, filed 3/3/82)

WAC 388-54-820 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The household is entitled to continuation of benefits if:

(a) ((H)) The household requests a fair hearing within the period specified by the notice of adverse action;

(b) ((Hs)) The household's certification period has not expired;

(c) ((H)) The household has not waived continuation of benefits;

(d) A certification period expires and the household has made a timely application for a new certification period pending receipt of the fair hearing decision. The department shall determine eligibility on the basis of all eligibility requirements without regard to the matter at issue in the fair hearing.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause. Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

(a) The certification period expires, the household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the department;

(b) The ((hearing examiner)) presiding or review officer makes a preliminary determination in writing and at the hearing that ((it)) good cause is a matter of policy;

(c) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is



pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(d) A mass change occurs while the hearing decision is pending.

(3) The ~~((CSO))~~ department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(4) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is ~~((that))~~ food stamp eligibility or benefits were improperly computed or ~~((that))~~ federal law or regulation is being misapplied or misinterpreted by the department.

(5) If the department's action is upheld by the hearing decision, a claim against the household shall be established for all overissuances.

(6) The department shall send an individual notice of the adverse action to each household ~~((that receives))~~ receiving a reduction or termination in benefits during ~~((its))~~ the certification period due to mass changes resulting from implementation of the Food Stamp Act of 1977. The notice of adverse action shall explain to the household ~~((that))~~ the change is the result of changes in federal law and ~~((that))~~ although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes ~~((its))~~ the eligibility or benefits level was computed incorrectly under the new law, or ~~((that))~~ the new law is being misapplied or misinterpreted.

#### NEW SECTION

WAC 388-54-82650 INTENTIONAL PROGRAM VIOLATION DISQUALIFICATION PENALTIES. (1) Intentional program violation after the effective date of this rule is defined as having intentionally:

(a) Made a false or misleading statement or misrepresented, concealed, or withheld facts;

(b) Committed any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

(2) If the act constituting an intentional program violation occurred in whole or in part after notification or application specifying the following penalties, then the following disqualification penalties shall apply:

(a) Six months for the first disqualification;

(b) Twelve months for the second disqualification;

(c) Permanently for the third disqualification;

(d) Intentional program violations occurring prior to specifying these penalties shall be considered as only one disqualification.

(3) Intentional program violation which ended prior to the effective date of this rule consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous non-food items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(4) If the act constituting an intentional program violation ended prior to notice of or signing an application specifying penalties as provided in subsection (2) of this section, then the disqualification penalties shall be three months if disqualification was determined in an administrative hearing.

(5) The department shall disqualify only the individual or individuals involved in intentional program violation and not the entire household.

(6) Court-ordered disqualifications are for the length of time specified by the court:

(a) The department shall recommend to the courts that a disqualification penalty as provided in subsection (2) of this section be imposed in addition to any other civil or criminal intentional program violation penalties.

(b) The department shall disqualify an individual or individuals found by a court to have committed an act which would constitute an intentional program violation when the court orders disqualification and for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period for currently eligible individuals within forty-five days of the date the disqualification was ordered.

(c) The department shall not initiate or continue a court imposed or administratively imposed intentional program violation disqualification period contrary to a court order.

(d) If the court fails to address or specify a disqualification period, the department shall impose a disqualification period as specified in subsection (2) of this section unless the disqualification period is contrary to the court order.

(7) The department shall provide mail notice of disqualification to the household member. The notice shall be provided prior to disqualification whenever possible. The notice shall inform the household member of the disqualification and the date disqualification will take effect. If the individual is no longer participating, the notice shall inform the individual the period of disqualification will be deferred until such time as the individual again applies for and is found eligible for program benefits. The department shall also provide written notice to the remaining household members, if any, of the allotment household members will receive during the period of disqualification or that household members must re-apply because the certification period has expired.

#### NEW SECTION

WAC 388-54-829 ADMINISTRATIVE DISQUALIFICATION HEARING WAIVER. (1) Persons suspected of intentional program violation have the right to waive a disqualification hearing. If the household member suspected of intentional program violation signs the waiver of right to an administrative disqualification

hearing and the signed waiver is received within the time frames specified by the department, the household member shall be disqualified in accordance with the disqualification periods specified in WAC 388-54-82650.

(2) The department shall provide written notification to the household member suspected of intentional program violation that the member can waive his or her right to an administrative disqualification hearing. The department shall provide the household member a waiver form.

#### NEW SECTION

**WAC 388-54-83050 TREATMENT OF INCOME AND RESOURCES OF EXCLUDED MEMBERS.** (1) Intentional program violation or workfare sanction. The eligibility and benefit level of the remaining household member or members of a household containing individual or individuals excluded because of intentional program violation shall be determined as follows:

(a) The entire income and resources of the excluded household member or members shall be considered available to the remaining household members, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall continue to apply to the remaining household members.

(b) No household's coupon allotment is increased as a result of the exclusion of one or more household members.

(2) The eligibility and benefit level of the remaining household member or members of a household containing individual or individuals excluded for any other cause shall be determined as follows:

(a) Resources. The resources of such excluded members shall continue to count in the resources entirety to the remaining household members.

(b) Income. A pro rata share of the income of excluded members shall be counted as income to the remaining members.

(c) Deductible expenses. The eighteen percent earned income deduction shall apply to the prorated income earned by excluded members attributing to their households.

(3) Eligibility and benefit level. Excluded members shall not be included when determining the household's size for purposes of:

(a) Assigning a benefit level to the household;

(b) Comparing the household's monthly income with the income eligibility standards; or

(c) Comparing the household's resources with the resource eligibility limits.

#### NEW SECTION

**WAC 388-54-850 OVERPAYMENTS.** (1) Definitions of overpayments for which recovery action may be taken.

(a) An administrative error overpayment is an overpayment caused solely by department action or failure to

act when the household had properly and accurately reported all the household's circumstances to the department.

(b) An inadvertent household error overpayment is an overpayment caused by misunderstanding or unintended error on the part of the household.

(c) An intentional program violation overpayment is an overpayment:

(i) Which a court or an administrative decision determined was caused by fraud or intentional program violation, or

(ii) For which the individual signed a disqualification consent agreement when the case had been referred for prosecution or signed a waiver of right to an administrative disqualification hearing.

(2) Households and household members against which recovery action can be taken.

(a) The department shall take recovery action against a household which was overpaid food stamps.

(b) If the household membership at the time an agency error or inadvertent household error overpayment occurred is not the same when recovery action is to be taken, the department shall take action against the household containing a majority of those who were members at the time the overpayment occurred.

(c) If the household membership at the time an intentional program violation overpayment occurred cannot be determined, the department shall take recovery action against the household containing the individual who committed the act of intentional program violation.

(d) If the department is unable to take recovery action under subsection (2)(a), (b), or (c) of this section, then the department shall take recovery action against the household which contains the person who was the head of the household at the time the overpayment occurred.

(3) Amount of overpayment.

(a) When the department discovers an administrative error or inadvertent household error overpayment occurred in the prior twenty-four months or discovers an intentional program violation in the prior seventy-two months, the department shall calculate the allotment the household should have been authorized.

(i) If the household accurately and timely reports the household's circumstances and changes in circumstances to the department, the calculation shall be based on the day the household's circumstances were reported.

(ii) If the household did not accurately and timely report the household's circumstances and change of circumstances, the calculation shall be based on the household having accurately reported the household's circumstances to the department in the application or on the date the change of circumstances occurred.

(iii) Calculation shall be based on the department having given the household advance notice if such notice would have been required.

(b) The difference between the monthly allotment the household should have been authorized as calculated in subsection (3)(a) of this section and the monthly allotment actually authorized is the amount of the overpayment.

(4) Amount of a household's and/or household member's liability for an overpayment. The difference between the amount of the overpayment calculated in subsection (3)(b) of this section and any food stamp lost benefits incurred prior to writing a letter demanding repayment, which had not previously been restored or used as an offset, is the amount of a household's and/or a household member's liability for an overpayment.

(5) Demand letter. Prior to initiating recovery action, the department shall provide the household member a demand letter.

(6) Methods of recovery. A household or household member may repay an overpayment in a lump sum or sums, in regular installments under a payment schedule agreed upon by the household or member and the department, and/or through reductions in the food stamp allotment.

(a) Lump sum.

(i) A household member may pay all or part of his or her liability for an overpayment in a lump sum.

(ii) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make a lump-sum payment.

(b) Installments.

(i) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make installment payments.

(ii) If the full liability for the overpayment or overpayments cannot be paid through a lump sum or allotment reduction or reductions, and the remaining amount of liability cannot be repaid in full in installment payments in three years, then the department may compromise the claim by reducing the claim to an amount allowing the household to pay the claim in three years.

(iii) The minimum installment payment schedule the department will agree to with a currently participating household member who is liable for an overpayment caused by inadvertent household error or intentional program violation shall be not less than the amount that could be recovered through allotment reduction.

(iv) When an installment payment schedule has been agreed to by the household member and the department, the amount to be repaid each month shall be that agreed to regardless of subsequent changes in the household's monthly household allotment unless the parties renegotiate the payment schedule and agree on a new payment schedule.

(v) A household member and/or the department may request of the other party that a payment schedule be renegotiated.

(A) The most recent agreed upon payment schedule shall remain in effect until the household member and the department agree to a different schedule.

(B) When a household member requests renegotiation and the department agrees the member's economic circumstances have changed enough to warrant a different schedule, the department shall offer a different schedule and/or consider any reasonable schedule the member offers.

(C) When a household member requests renegotiation and the department determines the member's economic circumstances have not changed enough to warrant a

different schedule, the department shall inform the member of this determination and that the most recently agreed upon schedule remains in effect.

(vi) When a household member who has agreed to repay in installments fails to make a payment in accordance with the repayment schedule:

(A) The department shall give notice informing him or her:

(I) No payment or an insufficient payment was received;

(II) The household member may contact the department to discuss renegotiation of the payment schedule; and

(III) Unless the household member makes the overdue payment or payments or contacts the department to discuss renegotiation by a specified date, the allotment of a currently participating household will be reduced without additional notice of the overpayment being recovered was caused by inadvertent household error or intentional program violation.

(B) If the household member fails to make the overdue payments or request renegotiation of the payment schedule and the overpayment was caused by inadvertent household error or intentional program violation, the department shall reduce the food stamp allotment without additional notice.

(C) If the household member responds to the notice by making the overdue payments and wishes to continue the current payment schedule, the department shall permit him or her to do so.

(D) If the household member responds to the notice by requesting renegotiation of the payment schedule, the department shall consider the request.

(E) When the department determines agreement on a new repayment schedule cannot be reached and the overpayment was caused by inadvertent household error or intentional program violation, the department may invoke allotment reductions against a currently participating household.

(c) Reduction in food stamp allotment.

(i) Administrative error overpayment.

(A) For administrative error overpayments, the household member may repay through reduction in the food stamp allotment.

(B) The amount to be recovered each month through a reduction in allotment for an agency error overpayment shall be entirely up to the household member.

(ii) Inadvertent household error overpayment and intentional program violation overpayment. The department shall reduce a currently participating household's food stamp allotment to repay an inadvertent household error overpayment by the greater of ten percent of the household's monthly allotment or ten dollars per month and for an intentional program violation overpayment by the greater of twenty percent of the entitlement or ten dollars per month.

(A) If the household member and the department are negotiating in good faith for an agreement to repay in installments, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(B) If the household member and the department have made an agreement to repay in installments and the member has made each payment when due, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(7) The department shall suspend collection action when:

(a) The department determines the household member is financially unable to pay the claim; or

(b) The department determines there is little likelihood that the state can collect or enforce collection of any significant sum from the household member; or

(c) The department cannot locate a liable household member; or

(d) The department determines cost of further collection action is likely to exceed the amount that can be recovered.

(8) After the claim has been held in suspense for three years, the claim shall be terminated.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 388-54-821 COMPLAINTS.

(2) WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED.

(3) WAC 388-54-827 FRAUD ADMINISTRATIVE HEARING—DECISION RENDERING PROCESS.

(4) WAC 388-54-828 FRAUD DISQUALIFICATION—COURT IMPOSED.

(5) WAC 388-54-830 TREATMENT OF INCOME AND RESOURCES OF DISQUALIFIED MEMBERS.

(6) WAC 388-54-835 CLAIMS AGAINST HOUSEHOLDS—NONFRAUD.

(7) WAC 388-54-840 CLAIMS AGAINST HOUSEHOLDS—FRAUD.

#### WSR 83-17-021

##### ADOPTED RULES

##### DEPARTMENT OF GAME

##### (Game Commission)

[Order 212—Filed August 9, 1983]

Be it resolved by the State Game Commission, acting at the Thunderbird Motel, 403 West Eighth, Ellensburg, WA, that it does adopt the annexed rules relating to 1983 Upland Migratory Game Bird Seasons, WAC 232-28-106.

This action is taken pursuant to Notice No. WSR 83-12-052 filed with the code reviser on June 1, 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 77.12.040 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 8, 1983.

By Vern E. Ziegler  
Chairman, Game Commission

NEW SECTION

WAC 232-28-106 ✓ 1983 UPLAND MIGRATORY GAME BIRD SEASONS

-Statewide-

MOURNING DOVE:

September 1 - September 15, inclusive  
 Daily bag limit: 10  
 Possession limit: 20

BAND-TAILED PIGEON:

September 1 - September 30, inclusive  
 Daily bag limit: 5  
 Possession limit: 5

SHOOTING HOURS as follows: (Daylight Saving Time)

DATES INCLUSIVE	Eastern Washington		Western Washington	
	From A.M.	To P.M.	From A.M.	To P.M.
Thu. Sept. 1    Sun. Sept. 4	5:45	7:35	6:00	7:45
Mon. Sept. 5    Sun. Sept. 11	5:55	7:25	6:05	7:35
Mon. Sept. 12   Sun. Sept. 18	6:05	7:10	6:15	7:20
Mon. Sept. 19   Sun. Sept. 25	6:10	6:55	6:25	7:10
Mon. Sept. 26   Fri. Sept. 30	6:25	6:40	6:35	6:55

REPEALER

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

WAC 232-28-105 ✓ 1982 UPLAND MIGRATORY GAME BIRD SEASONS

**WSR 83-17-022**  
**ADOPTED RULES**  
**COMMUNITY COLLEGE**  
**DISTRICT 12**

[Order 83-2, Motion No. 83-50—Filed August 9, 1983]

Be it resolved by the board of trustees of Community College District 12, acting at Olympia Technical Community College, Board Room, 2011 Mottman Road S.W., Olympia, WA 98502, that it does adopt the annexed rules relating to the amending of chapter 132L-140 WAC, environmental protection and specifically rules and procedures concerning responsible officer, WAC 132L-140-020.

This action is taken pursuant to Notice No. WSR 83-12-043 filed with the code reviser on May 31, 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 Community College District 12 as

authorized in chapters 28B.50, 28B.19 and 28B.52 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 July 14, 1983.

By Dale A. Miller  
 District President

**ENVIRONMENTAL PROTECTION**

Chapter 132L-140 WAC

**ENVIRONMENTAL PROTECTION**

**WAC**

- 132L-140-010 Environmental protection policy
- 132L-140-020 Responsible officer
- 132L-140-030 SEPA Informational Center

AMENDATORY SECTION (Amending Order 77-3, filed 3/30/77)

WAC 132L-140-020 ✓ RESPONSIBLE OFFICER. In compliance with WAC 197-10-820, ((the Assistant to the President)) the Dean of Administrative Services at each college is designated to be the "responsible official" for carrying out this policy.

**WSR 83-17-023**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed August 9, 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 chore services, amending WAC 388-15-209 through 388-15-217.

It is the intention of the secretary to adopt WAC 388-15-213 and 388-15-215 on an emergency basis on or about August 10, 1983, and WAC 388-15-209 on August 23, 1983;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 1983.

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

The specific statute these rules are intended to implement is RCW 74.08.530 through 74.08.570.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 8, 1983

By: David A. Hogan, Director  
 Division of Administrative Regulations

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-15-209, 388-15-212, 388-15-213, 388-15-215 and 388-15-217.

Purpose of the Rule or Rule Change: To incorporate 1983 legislative change to Chore Service Law.

The Reason These Rule Changes are Necessary: To incorporate changes consistent with law change.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Changes: WAC 388-15-209: Add to (2)(c) "or limited casualty program medical care" as an eligibility criteria for chore services, add a new (2)(d) defining who is eligible to receive chore services at a reduced level of hours or payment. A table is shown to provide the sliding scale as required, add new

(2)(e) specifying that efforts shall be made to obtain volunteer chore services for individuals eligible for five hours or less a month of service, individuals eligible for reduced level of service and individuals ineligible for chore services, add section 3 concerning "grandfathering" of recipients whose services/payment would be reduced or terminated with application of the 1983 act, and change (2)(h) to (2)(g) and (2)(i) to (2)(h); WAC 388-15-212: (4)(a)(i), (ii), (iii), and (iv), change to none, minimal, substantial and total, reverse (5)(c) and (5)(d), restructure (5)(q)(i), (ii) and (iii), change (5)(q)(iv) to (5)(r)(ii), and change (5)(r) to (5)(r) and (5)(r)(i); WAC 288-15-213: (4)(a)(ii), increase maximum hourly wage rate to \$3.85, in keeping with cost of living increase, (4)(b), increase base monthly rate to \$525 for full-time attendant care and rates for other levels of care, and clarify that, up to \$50 is added for each additional client in a household authorized for attendant care, (4)(c)(iv), increase total monthly cost to \$735 for full-time attendant care and for other levels of care, including additional payment (waiver), and (4)(f), add "or meals"; WAC 388-15-215: (2), add "licensed boarding home," "hospital, or other institution" and add "child" to foster home to clarify where chore services cannot be provided, and (8), change maximum hours of chore services that can be authorized per month to 188,814 to incorporate the 1983 legislative allocation; and WAC 388-15-217: (3)(i), change WAC 388-15-209(2)(h) to (2)(g), and (3)(k), change sliding fee schedule of state's contribution to 5% increments for employed disabled recipients.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Samuel H. Koshi, Community Services Program Manager, Bureau of Aging and Adult Services, Mailstop: OB 43G, Phone: 753-1241.

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

#### AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-209 CHORE SERVICES—ELIGIBLE INDIVIDUALS. (1) Service eligibility.

(a) Chore services are for adults aged eighteen and over, although in some instances families may be served.

(b) Chore services are determined through the completion and scoring of the client review questionnaire. (Refer to WAC 388-15-212).

(c) Families may receive chore services when the normal caretaker of the children:

(i) Is in the home but unable to physically care for the children;

(ii) Is in the home and physically unable to perform the necessary household tasks;

(iii) Is out of the home temporarily, as defined by the department.

(2) Financial eligibility.

(a) Persons receiving chore services must meet the financial eligibility requirements established by the department.

(b) For families to receive services, the total family income must be at or below the financial eligibility requirements established by the department. Children are not financially eligible in the children's own right. The children are part of the family unit.

(c) An adult or family at risk of being placed in a residential care facility is eligible to receive the level of hourly or attendant care chore services as determined by WAC 388-15-212 who are adult recipients:

(i) Of supplemental security income and/or state supplementation ((or));

(ii) Of limited casualty program medical care as defined by RCW 74.09.010;

(iii) Who ((has)) have gross family income, adjusted for family size, not in excess of thirty percent of the state median income.

(d) Adult protective services clients are eligible to receive chore services without regard to income, if these services are an integral but subordinate part of the adult protective services plan. These services are limited to a maximum of ninety days during any twelve-month period.

((d)) An adult or family at risk of being placed in a residential care facility is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program who has a gross family income, adjusted for family size between thirty percent and forty percent of the state median income. See table in subsection (2)(d) of this section:

Percentage of State Median Income

Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program

Above 33 through 34	96
Above 34 through 35	95
Above 35 through 36	94
Above 36 through 37	93
Above 37 through 38	92
Above 38 through 39	91
Above 39 through 40	90

Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program

Percentage of State Median Income

Above 30 through 31	99
Above 31 through 32	98
Above 32 through 33	97

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
1	1	1	1	1	1	1	1	1	1	1
2	2	2	1	1	1	1	1	1	1	1
3	2	2	2	2	2	2	2	1	1	1
4	3	3	3	3	2	2	2	2	2	2
5	4	4	4	3	3	3	3	2	2	2
6	5	4	4	4	4	3	3	3	2	2
7	6	5	5	5	4	4	4	3	3	2
8	6	6	6	5	5	4	4	4	3	3
9	7	7	6	6	5	5	5	4	4	4
10	8	8	7	7	6	6	5	5	4	4
11	9	8	8	7	7	6	6	5	4	4
12	10	9	8	8	7	7	6	5	5	4
13	11	10	9	8	8	7	7	6	5	5
14	12	11	10	9	8	8	7	6	6	5
15	13	11	11	10	9	8	8	7	6	5
16	14	12	11	10	10	9	8	7	6	6
17	15	13	12	11	10	9	9	8	7	6
18	16	14	13	12	11	10	9	8	7	6
19	17	15	13	12	11	10	10	9	8	7
20	18	16	14	13	12	11	10	9	8	7
21	19	17	15	14	13	12	11	9	8	7
22	20	18	16	15	13	12	11	10	9	8
23	21	19	17	16	14	13	12	10	9	8
24	22	20	18	17	15	13	12	11	10	8
25	23	21	19	18	16	14	13	11	10	9
26	24	22	20	19	17	15	14	12	10	9
27	25	23	21	20	18	16	15	13	11	10
28	26	24	22	21	19	17	16	14	12	11
29	27	25	23	22	20	18	17	15	13	12
30	28	26	24	23	21	19	18	16	14	13
31	29	27	25	24	22	20	19	17	15	14
32	30	28	26	25	23	21	20	18	16	15
33	31	29	27	26	24	22	21	19	17	16
34	32	30	28	27	25	23	22	20	18	17
35	33	31	29	28	26	24	23	21	19	18

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
36	34	32	30	29	27	25	24	22	20	19
37	35	33	31	30	28	26	25	23	21	20
38	36	34	32	31	29	27	26	24	22	21
39	37	35	33	32	30	28	27	25	23	22
40	38	36	34	33	31	29	28	26	24	23
41	39	37	35	34	32	30	29	27	25	24
42	40	38	36	35	33	31	30	28	26	25
43	41	39	37	36	34	32	31	29	27	26
44	42	40	38	37	35	33	32	30	28	27
45	43	41	39	38	36	34	33	31	29	28
46	44	42	40	39	37	35	34	32	30	29
47	45	43	41	40	38	36	35	33	31	30
48	46	44	42	41	39	37	36	34	32	31
49	47	45	43	42	40	38	37	35	33	32
50	48	46	44	43	41	39	38	36	34	33
51	49	47	45	44	42	40	39	37	35	34
52	50	48	46	45	43	41	40	38	36	35
53	51	49	47	46	44	42	41	39	37	36
54	52	50	48	47	45	43	42	40	38	37
55	53	51	49	48	46	44	43	41	39	38
56	54	52	50	49	47	45	44	42	40	39
57	55	53	51	50	48	46	45	43	41	40
58	56	54	52	51	49	47	46	44	42	41
59	57	55	53	52	50	48	47	45	43	42
60	58	56	54	53	51	49	48	46	44	43
61	59	57	55	54	52	50	49	47	45	44
62	60	58	56	55	53	51	50	48	46	45
63	61	59	57	56	54	52	51	49	47	46
64	62	60	58	57	55	53	52	50	48	47
65	63	61	59	58	56	54	53	51	49	48
66	64	62	60	59	57	55	54	52	50	49
67	65	63	61	60	58	56	55	53	51	50
68	66	64	62	61	59	57	56	54	52	51
69	67	65	63	62	60	58	57	55	53	52
70	68	66	64	63	61	59	58	56	54	53
71	69	67	65	64	62	60	59	57	55	54
72	70	68	66	65	63	61	60	58	56	55
73	71	69	67	66	64	62	61	59	57	56
74	72	70	68	67	65	63	62	60	58	57
75	73	71	69	68	66	64	63	61	59	58
76	74	72	70	69	67	65	64	62	60	59
77	75	73	71	70	68	66	65	63	61	60
78	76	74	72	71	69	67	66	64	62	61
79	77	75	73	72	70	68	67	65	63	62
80	78	76	74	73	71	69	68	66	64	63
81	79	77	75	74	72	70	69	67	65	64
82	80	78	76	75	73	71	70	68	66	65
83	81	79	77	76	74	72	71	69	67	66
84	82	80	78	77	75	73	72	70	68	67
85	83	81	79	78	76	74	73	71	69	68
86	84	82	80	79	77	75	74	72	70	69
87	85	83	81	80	78	76	75	73	71	70
88	86	85	82	81	79	77	76	74	72	71
89	87	85	83	82	80	78	77	75	73	72
90	88	86	84	83	81	79	78	76	74	73



HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
91	89	87	85	84	82	80	79	77	75	74
92	90	88	86	85	83	81	80	78	76	75
93	91	89	87	86	84	82	81	79	77	76
94	92	90	88	87	85	83	82	80	78	77
95	93	91	89	88	86	84	83	81	79	78
96	94	92	90	89	87	85	84	82	80	79
97	95	93	91	90	88	86	85	83	81	80
98	96	94	92	91	89	87	86	84	82	81
99	97	95	93	92	90	88	87	85	83	82
100	98	96	94	93	91	89	88	86	84	83
101	99	97	95	94	92	90	89	87	85	84
102	100	98	96	95	93	91	90	88	86	85
103	101	99	97	96	94	92	91	89	87	86
104	102	100	98	97	95	93	92	90	88	87
105	103	101	99	98	96	94	93	91	89	88
106	104	102	100	99	97	95	94	92	90	89
107	105	103	101	100	98	96	95	93	91	90
108	106	104	102	101	99	97	96	94	92	91
109	107	105	103	102	100	98	97	95	93	92
110	108	106	104	103	101	99	98	96	94	93
111	109	107	105	104	102	100	99	97	95	94
112	110	108	106	105	103	101	100	98	96	95
113	111	109	107	106	104	102	101	99	97	96
114	112	110	108	107	105	103	102	100	98	97
115	113	111	109	108	106	104	103	101	99	98
116	114	112	110	109	107	105	104	102	100	99

(e) An adult or family who has gross family income, adjusted for family size between forty and fifty-seven percent of the state median income is severely handicapped, at risk of being placed in a residential care facility, and in need of attendant care may be eligible to receive a reduced level of payment for attendant care. See table in subsection (2)(c) of this section. The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days.

REDUCED MONTHLY PAYMENT FOR ATTENDANT CARE CLIENTS

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 40 through 41	88
Above 41 through 42	85
Above 42 through 43	80
Above 43 through 44	75
Above 44 through 45	70
Above 45 through 46	65
Above 46 through 47	60
Above 47 through 48	55
Above 48 through 49	50
Above 49 through 50	45
Above 50 through 51	40
Above 51 through 52	35
Above 52 through 53	30
Above 53 through 54	25

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 54 through 55	20
Above 55 through 56	15
Above 56 through 57	10

Above 54 through 55  
 Above 55 through 56  
 Above 56 through 57

20  
 15  
 10

(f) Severely handicapped clients or applicants in the attendant care chore services program who have gross family income, adjusted for family size between thirty and fifty-seven percent of the state median income who are at risk of being placed in a residential care facility and cannot afford to pay the client's or applicant's share of the monthly rate, may be eligible to receive an additional amount up to the client's share of the monthly rate. The client shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff. The client shall produce a statement showing why he or she cannot afford to pay all or part of his or her share of the monthly rate.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days.

(g) An adult or family who has gross family income adjusted for family size, above fifty-seven percent of the state median income, severely handicapped, and at risk of being placed in a residential care facility may be authorized to receive attendant care. Thirty persons at any one time may receive attendant care services in accordance with RCW 74.08.541.

The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility, by

~~producing a statement from the client's physician and departmental staff. The client or applicant shall produce a statement showing what part of the monthly rate the client can pay.~~

~~Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.~~

~~Approved requests shall be reviewed every ninety days:))~~

(e) An adult or family with a gross family income over thirty percent of the State Median Income (SMI), at risk of being placed in a residential care facility, is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program. (For attendant care, payment

shall be reduced an equivalent to the hourly unit rate). See table A, as follows:

Hours of Chore Service to be Authorized Based on Income and Level of Service Needed - 8/83

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

Table with columns: HOURS AUTHORIZED BY CRQ (1-60) and INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME) (31-95). The table contains numerical data for each cell, with a note at row 10: 'One (1) hour deducted for each percentage point over 30% SMI and an additional hour deducted for each percentage point over 50% SMI'.



(g) Individuals at risk of being placed in a residential care facility but not eligible for chore services because of income or need level, or eligible for a reduced level of service because of income, shall be referred to the volunteer chore service program where such program exists for needed hours or services not provided by the department.

(h) Clients or applicants are not eligible for chore services if the clients or applicants have resources in excess of ten thousand dollars for one person, fifteen thousand dollars for a two-person family. Another one thousand dollars is allowed for each additional family member. Adult protective services clients who are receiving chore services as an integral but subordinate part of an adult protective services plan and supplemental security income and/or state supplementation recipients are exempt from the resource requirement in this section. Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

The following resources shall be considered in determining the value of a client's or applicant's resources:

- (i) Checking accounts;
- (ii) Savings accounts;
- (iii) Certificates of deposit;
- (iv) Money markets;
- (v) Negotiable stocks and bonds;
- (vi) Latest assessed value of lots or property not attached to residence;
- (vii) Market value of a boat(s), recreational vehicle(s), or excess automobiles;
- (viii) Liquid assets: Such as cash, gold, silver and other items of an investment and negotiable nature.

(i) The following resources, regardless of value, shall not be considered in determining the value of a client's or applicant's resources:

- (i) A home and lot normal for the community where the client or applicant resides;
- (ii) Used and useful household furnishings, personal clothing, and one automobile per client;
- (iii) Personal property of great sentimental value;
- (iv) Real or personal property used by the applicant or recipient to earn income or to rehabilitate himself or herself;
- (v) One cemetery plot for each member of the family unit;
- (vi) Cash surrender value of life insurance.

(3) "Grandfathering" of recipients.

(a) Recipients of chore services as of August 22, 1983 shall be "grandfathered" if application of the 1983 act would result in reduction or termination of services.

(b) The 1983 act eligibility requirements apply to all other recipients whose services, at time of review, would remain the same or would be increased. See subsection (2)(d) of this section.

(c) When chore services for grandfathered recipients are terminated for longer than 30 days, the eligibility requirements of the 1983 act is applied. See subsection (2)(d) of this section.

(d) Continuing eligibility of the grandfathered chore service recipients whose services would otherwise be reduced or terminated by application of the 1983 act, will be determined by applying the eligibility requirements of the 1981 act as determined by the department.

AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-212 SERVICE DETERMINATIONS. (1) Chore services need and amount determination for all applicants and recipients of chore services will be made by using the client review questionnaire on each adult.

(2) Department staff will administer the client review questionnaire.

(3) When administering the client review questionnaire, department staff will take into account the client's risk of being placed in a residential care facility and ability to perform activities of daily living, living conditions, and arrangements, and the availability and use of alternative resources, including immediate family, other relatives, neighbors, friends, community programs, and volunteers.

(4)(a) The client review questionnaire is a series of questions designed to determine the client's need for the tasks which are available from the chore program. In answering each question, either "N," "M," "S," or "T" is circled to indicate the extent of assistance the client needs from the chore program for each task. "N," "M," "S," or "T" are defined as:

(i) N = ((Needs no assistance)) None: The client is either able to perform this task without help or is already receiving or could receive all the help needed from other sources.

(ii) M = ((Needs)) Minimal ((assistance)): The client cannot perform this task without help and needs a minimal amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iii) S = ((Needs)) Substantial ((assistance)): The client cannot perform this task without help and needs a substantial amount of assistance from the chore program in addition to whatever help may or may not be received from other sources.

(iv) T = ((Needs)) Total ((assistance)): Client is completely unable to perform this task and is not now receiving any help and needs total assistance from the chore program.

(b) Points are awarded for each task based on the degree of assistance needed from the chore services program. The number of points available for each task is set forth in subsection (5) of this section. The point total is converted into maximum allowable hours using the table set forth in subsection (6) of this section. For clients needing attendant care, as defined in subsection (5) of this section, the amount of services authorized is based on the total number of hours per month the chore provider must be with the client.

(5) The allowable chore services program tasks, as defined by the department, are scored as follows:

(a) Escort/transport to medical services. The scoring is as follows, based on the need and frequency of service: N = 0, M = 1, S = 2, T = 3.

(b) Essential shopping and errands. The scoring is based on need and frequency of service: N = 0, M = 5, S = 10, T = 15. When the chore provider must perform these tasks for the client because the client is unable to go along, the scoring is N = 0, M = 1, S = 3, and T = 5.

~~((c) Splitting/stacking/carrying wood. The scoring is N = 0, M = 3, S = 5, and T = 7. This task is available only to persons who use wood as their sole source of fuel for heat and/or cooking.~~

~~(d) Laundry. The scoring is N = 0, M = 1, S = 2, and T = 3. If there are no laundry facilities in the client's own home, additional points are awarded. The scoring for the additional points is N = 0, M = 3, S = 5, and T = 7.)~~

(c) Laundry. The scoring is N = 0, M = 1, S = 2, and T = 3. If there are no laundry facilities in the client's own home, additional points are awarded. The scoring for the additional points is N = 0, M = 3, S = 5, and T = 7.

(d) Splitting/stacking/carrying wood. The scoring is N = 0, M = 3, S = 5, and T = 7. This task is available only to persons who use wood as their sole source of fuel for heat and/or cooking.

(e) Housework. Housework is limited to tasks necessary to protect the client's health and safety and to those areas of the home actually used by the client, i.e., kitchen, bathroom, bedroom, living room, and dining room. The scoring is N = 0, M = 1, S = 2, and T = 3.

(f) Cooking. The scoring is based on the preparation of three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light meal N = 0, M = 4, S = 7, T = 10.

(iii) Main meal N = 0, M = 5, S = 10, T = 15.

(g) Feeding. The scoring is based on feeding three meals, as follows:

(i) Breakfast N = 0, M = 4, S = 7, T = 10.

(ii) Light meal N = 0, M = 4, S = 7, T = 10.

(iii) Main meal N = 0, M = 5, S = 10, T = 15.

(h) Dressing/undressing. The scoring is N = 0, M = 4, S = 7, and T = 10.

(i) Care of appearance. The scoring is N = 0, M = 1, S = 3, and T = 5.

(j) Body care. The scoring is N = 0, M = 5, S = 10, and T = 15.

(k) Bed transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.

(l) Ambulation. The scoring is N = 0, M = 4, S = 7, and T = 10.

(m) Wheelchair transfer. The scoring is N = 0, M = 1, S = 3, and T = 5.

(n) Bathing. The scoring is N = 0, M = 4, S = 7, and T = 10.

(o) Toileting. The scoring is N = 0, M = 5, S = 10, and T = 15.

(p) Remind to take medicines. The scoring for reminding to take medication is N = 0, M = 1, S = 2, and T = 3.

(q) Family care. The family care question has four parts. Each part considers the ages, number, level of responsibility of the children, and the presence of a spouse when determining the need for chore services.

(i) ~~((Part one))~~ Family housework determines the need for additional help cleaning the household because of the presence of children. The scoring is N = 0, M = 4, S = 7, and T = 10.

(ii) ~~((Part two))~~ Family tasks determines the need for escort and transportation, laundry services, meal preparation and shopping, and bathing and dressing for the client's children. The scoring is N = 0, M = 5, S = 10, and T = 15.

(iii) ~~((Part three))~~ Supervision of children determines the need for physical supervision of the children. When the client is in the home, but unable to supervise, the scoring is N = 0, M = 5, S = 10, and T = 15.

~~((iv) Part four determines the need for supervision of children when the client is temporarily absent from the home because of hospitalization. This question is not scored. The number of days and the number of hours per day that the children need supervision is recorded. The monthly authorization is the total number of hours required for supervision. The chore provider performs household and personal care tasks for the children during the hours of supervision. Supervision of children when the client is absent from the home must not exceed two weeks during any six-month period:))~~

(r) Attendant care for adults/supervision of children.

(i) Attendant care for adults determines that the chore provider is available to help a client who requires assistance with such unscheduled tasks as toileting, ambulation, and wheelchair transfer or supervises or watches a client who cannot safely be left alone. Protective supervision may be necessary when a person may hurt himself or herself, others, or damage property if left alone, or is confused and may wander away, turn on a stove and forget to turn it off, or becomes easily disoriented. The chore provider performs any household or personal care tasks or gives assistance with activities of daily living during the authorized attendant care hours. The scoring is based on the number of days per month and hours per day during which the chore provider must be with a client in need of attendant care. The authorization is the total number of attendant care hours required by the client each month.

(ii) Supervision of children determines the need for supervision of children when the client is temporarily absent from the home because of hospitalization. This question is not scored. The number of days and the number of hours per day that the children need supervision is recorded. The monthly authorization is the total number of hours required for supervision. The chore provider performs household and personal care tasks for the children during the hours of supervision. Supervision of children when the client is absent from the home must not exceed two weeks during any six-month period.

(6) Except for cases where attendant care or supervision of children when the client is temporarily absent are required, as defined in subsection (5)(q)(iv) of this section, the amount of hours of chore services authorized per month shall be determined by translating the total number of points awarded on the client review questionnaire into a monthly authorization, utilizing the following CRQ authorization ceiling chart:

CRQ SCORE	CEILING HOURS PER MONTH
1 - 4	5
5 - 9	8
10 - 14	11
15 - 19	14
20 - 24	18
25 - 29	21
30 - 34	24
35 - 39	28
40 - 44	31
45 - 49	34
50 - 54	37
55 - 59	41
60 - 64	44
65 - 69	47
70 - 74	51
75 - 79	54
80 - 84	57
85 - 89	60
90 - 94	64
95 - 99	67

CRQ SCORE	CEILING HOURS PER MONTH
100 - 104	70
105 - 109	74
110 - 114	77
115 - 119	80
120 - 124	83
125 - 129	87
130 - 134	90
135 - 139	93
140 - 144	97
145 - 149	100
150 - 154	103
155 - 159	106
160 - 164	110
165 - 169	113
170 - 174	116

The department may authorize fewer hours according to the client's individual circumstances and the provisions under WAC 388-15-215(8). Attendant care and supervision of children when the client is temporarily absent are authorized for the number of days per month and hours per day the services are required.

(7) The client or applicant may request approval from the department to exceed the ceiling hours authorized per month, as determined in subsection (6) of this section. The department shall authorize the number of additional hours not to exceed one hundred sixteen hours per month per client in the hourly program when:

(a) There are circumstances of a demonstrated duration, frequency, or severity which require additional hours of allowable chore services to avoid adverse effects to his or her health or safety; and,

(b) The need for additional hours is specific and clearly measurable.

(c) Hours are available under provisions of WAC 388-15-215(8).

(8) All clients or applicants shall be informed in writing of the process as defined in subsection (7) of this section and shall have the right to request from the department approval to exceed the authorized hours as set forth in subsection (6) of this section.

(9) When the department denies a request for additional hours or makes approval for fewer additional hours than requested, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(10) Chore services may be provided either through the individual-provider-program or through the contracted program, as deemed most appropriate by department policy established by the state office.

**AMENDATORY SECTION** (Amending Order 1904, filed 11/16/82)

WAC 388-15-213 PAYMENT. (1) Payment may be made for services performed by a relative, but payment to a spouse, father, mother, son, or daughter can be made only when the person:

(a) Has to give up paid employment (more than thirty hours per week) to give the service, or

(b) Would otherwise need to take paid employment (more than thirty hours per week), or

(c) Would otherwise be financially eligible to receive general assistance to meet his or her own need.

(2) Payment to the spouse providing chore services to an incapacitated, eligible client shall not exceed the amount of a one-person standard for a continuing general assistance grant. Refer to WAC 388-29-100.

(3) In the contracted program, payment is made to the contractor who directly pays the chore provider. (Refer to WAC 388-15-208.)

(4) In the individual provider program, payment is made to the client who pays the chore provider. (Refer to WAC 388-15-208.)

(a) An hourly wage is paid for the actual number of hours worked on all chore services tasks (maximum of one hundred sixteen hours per month per client), except for attendant care and supervision of children when the client is temporarily absent.

(i) The hourly wage rate must at least comply with federal minimum wage guidelines.

(ii) The maximum hourly wage rate shall not exceed the amount set by the community services office (CSO) administration and should consider the prevailing rate in the community for similar services but

shall not exceed three dollars and ~~((seventy-five))~~ eighty-five cents per hour.

(b) A monthly rate is paid for attendant care and supervision of children. The monthly rate is determined by the service worker after discussion with the client and chore provider, but ~~((it))~~ the monthly rate shall not exceed the lesser of the following, a maximum of five hundred ~~((ten))~~ twenty-five dollars per month or the amount determined by the table ~~((in subsection (4)(b) of this section))~~ as follows:

MONTHLY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY	BASE MONTHLY RATE
(30 DAYS PER MONTH)		
16 - 24	up to \$17.50	<u>up to \$525</u>
12 - 15	up to \$15.50	<u>up to \$465</u>
8 - 11	up to \$12.50	<u>up to \$375</u>
4 - 7	up to \$ 8.20	<u>up to \$246</u>
2 - 3	up to \$ 5.20	<u>up to \$156</u>
1	up to \$ 3.20	<u>up to \$ 96</u>

~~((Another))~~ Up to fifty dollars per month is added for each additional client authorized for service in the household.

(c) An individual provider program eligible client or applicant may request approval from the department to exceed the maximum monthly rate set by the department or the maximum hourly wage established by the regional office. The department shall authorize a higher payment rate necessary to maintain the client or applicant in his or her own home when:

(i) The need for the higher payment is specific and clearly measurable; and(;) )

(ii) The client or applicant provides documentation ~~((that))~~ services are not available at the established maximum payment rate; and(;) )

(iii) The client or applicant has made a reasonable effort to find a qualified provider at the established maximum payment rate; and(;) )

(iv) The total cost for the chore services does not exceed the lesser of the following, a maximum of seven hundred ~~((twenty))~~ thirty-five dollars, or the amount determined by the table in subsection (4)(b) ~~((and (4)(c)(v)))~~ of this section as follows:

HOURS OF SERVICE PER DAY	ADDITIONAL PAYMENT PER DAY	ADDITIONAL MONTHLY PAYMENT
(30 DAYS PER MONTH)		
16 - 24	up to \$7	<u>up to \$210</u>
12 - 15	up to \$5	<u>up to \$150</u>
8 - 11	up to \$4	<u>up to \$120</u>
4 - 7	up to \$3	<u>up to \$90</u>
2 - 3	up to \$2	<u>up to \$60</u>
1	up to \$1	<u>up to \$30</u>

(d) All clients or applicants shall be informed in writing of the process as defined in subsection (4)(c) of this section and shall have the right to request approval from the department ~~((approval))~~ to exceed the maximum monthly or hourly rate.

(e) When the department denies a request to exceed the maximum payment rates or makes approval at a lesser rate than requested by the client or applicant, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(f) When the client provides board and room or meals to the chore provider, the department may make a payment to partially reimburse the cost of this expense. The payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(g) Payment is made only after service delivery has been verified.

AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-215 LIMITATIONS ON PROGRAM. (1) The chore services program is not a teaching or companionship program and cannot be used for the purpose of delivering skilled nursing care or developing social, behavioral, recreational, communication or other type skill. Companionship means being with a person in his or her home for the purpose of preventing loneliness or to accompany him or her outside the home, except on basic errands or medical appointments or activities of daily living for attendant care clients.

(2) Chore services cannot be provided in a group home, licensed boarding home, congregate care facility, intermediate care facility, skilled nursing facility, hospital, or other institution, adult family home or child foster home. Shared living arrangements are not considered group homes.

(3) Chore services are provided for the person needing and authorized to receive the service, not for other household members unless the services are part of the total chore services plan which includes the household members as eligible service clients.

(4) Chore services are not provided when community resources or family, neighbors, friends, or volunteers are available and willing to provide the service without charge.

(5) All approvals for additional hours and higher payment rates are reevaluated by the department after a period of up to one year, as determined by the department. These reevaluations are continued, denied, or altered to correspond with the client's present chore services need. The client shall receive notice of his or her right to contest reevaluations which are denied or approved at a lower rate of payment or fewer service hours than initially approved.

(6) Chore services cannot be used for child care for working parent(s).

(7) In family care, the chore services provider may not act as a parent substitute or make major decisions affecting the children.

(8) A maximum of ~~((two))~~ one hundred ~~((twenty-four))~~ eighty-eight thousand eight hundred fourteen hours per month can be authorized in the hourly chore services program. Each community services office is allocated by the regional office a monthly lid of chore services hours for the hourly chore services program in accordance with RCW 74.08.541. Eligible clients or applicants can receive service if hours are available at the community services office. Clients or applicants are classified into three priorities: First priority, attendant care and adult protective services clients or applicants; second priority, personal care clients or applicants; third priority, clients or applicants requiring household tasks only (escort, transport, shopping, errands, housework, laundry, splitting wood). Clients or applicants in the community services office are provided service based on the client's or applicant's priority and hours available.

AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-217 CHORE OR ATTENDANT CARE SERVICES FOR EMPLOYED DISABLED ADULTS. (1) Notwithstanding other provisions of WAC 388-15-207 through 388-15-215, employed disabled adults shall be eligible for chore or attendant care services as provided in this section, with cost participation, as authorized by RCW 74.08.570.

(2) The following definitions shall apply for purposes of this section:

(a) "Employed" means engaged on a regular monthly basis in any work activity for which monetary compensation is obtained.

(b) "Total income" is the sum of an applicant's unearned income plus gross earned income.

(3) To be eligible for chore or attendant care services under this section, a client or applicant must meet all of the following conditions:

(a) Be eighteen years of age or older.

(b) Be a resident of the state of Washington.

(c) Be determined by the department to be disabled as specified in subsection (4) of this section.

(d) Be willing to submit to such examinations as are deemed necessary by the department to establish the extent and nature of the disability.

(e) Be employed.

(f) Have earned income which is less than forty percent of the state median income after subtracting work expenses, the cost of chore services, and any medical expenses which are not covered through insurance or another source and such medical expenses are incurred to allow the disabled person to work.

(g) Have chore or attendant care need as determined by the department using the client review questionnaire.

(h) Not have unearned income exceeding forty percent of the state median income or be an adult supplemental security income and/or state supplementation recipient.

(i) Not have resources exceeding the limitations specified for the chore services program in WAC 388-15-209(2)(h).

(j) Promptly report to the department in writing any changes in income or resources which may effect eligibility.

(k) Agree to pay all chore or attendant care services costs beyond the state's contribution as determined using a sliding fee schedule.

Percentage of State Median Income (After Deductions)	Percentage of Rate Paid By The Department
Above 0 through <del>((10))</del> <u>5</u>	<del>((90))</del> <u>95</u>
Above 5 through 10	90
Above 10 through <del>((20))</del> <u>15</u>	<del>((80))</del> <u>85</u>
Above 15 through 20	80
Above 20 through <del>((30))</del> <u>25</u>	<del>((70))</del> <u>75</u>
Above 25 through 30	70
Above 30 through <del>((40))</del> <u>35</u>	<del>((60))</del> <u>65</u>
Above 35 through 40	60

(l) Meet all other requirements for the chore or attendant care program as defined in WAC 388-15-207 through 388-15-215.

(4) For purposes of this section, an applicant is disabled if either of the following conditions is satisfied:

(a) The applicant previously has been determined "disabled" for the purpose of receiving social security disability insurance (SSDI) or supplemental security income (SSI) or federal aid medical care only (FAMCO), and the department determines that there has been no appreciable improvement in the applicant's disabling condition(s) since that disability determination was made.

(b) The applicant is determined by the department to have a medically determinable physical or mental impairment which, except for the applicant's ability to perform gainful activity, is comparable in severity to a disability which would qualify an applicant for medical assistance related to Title XVI under WAC 388-92-015(3)(c).

(5) The department shall pay its share of chore or attendant care service costs to the client following receipt of documentation that the services were provided. If less service is verified in any month than the maximum authorized, the department shall pay a prorated portion of its share of cost. The client shall employ the chore or attendant care provider and shall pay the provider the full amount due for services rendered. If the client receives services exceeding those authorized by the department, or agrees to a rate of pay exceeding that authorized by the department, the client shall be responsible for paying the amount exceeding the department's authorized service cost.

(6) An applicant's work related expenses shall be computed by the department as follows:

(a) Work related expenses shall be deducted in accordance with the "percentage method" or the "actual method," whichever is chosen by the client.

(b) If the client chooses the "percentage method," twenty percent of the gross earned income shall be deducted.

(c) If the client chooses the "actual method," the actual cost of each work related expense shall be deducted. This method shall be used only when the client provides written verification of all work related expenses claimed.

(d) When determined by the "actual method," allowable work expenses shall consist of:

(i) Child care;  
(ii) Payroll deductions required by law or as a condition of employment, in amounts actually withheld;

(iii) The necessary cost of transportation to and from the place of employment by the most economical means, not to include rental cars; and,

(iv) Expenses of employment necessary for continued employment, such as tools, materials, union dues, transportation to service customers if not furnished or reimbursed by the employer, and uniforms and clothing needed on the job but not suitable for wear away from the job.

(e) Even if verified, work related expenses shall not be counted in excess of the applicant's gross earned income.

(f) The client shall have the option to change methods whenever he or she reports income to the CSO.

**WSR 83-17-024**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed August 9, 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 Adult family home—Eligible persons, amending WAC 388-15-552;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 1983.

The authority under which these rules are proposed is RCW 74.08.044.

The specific statute these rules are intended to implement is RCW 74.08.044.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 9, 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 388-15-552.

The Purpose of the Rule Change: Clarification.

The Reason These Rules are Necessary: To ensure consistency with WAC 388-73-304.

Statutory Authority: RCW 74.08.044.

Summary of the Rule Change: This change clarifies that nursing care, as described in WAC 388-73-080, may be provided in adult family homes.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Becky Martelli, Program Manager, Bureau of Aging and Adult Services, Mailstop: OB 43G, Phone: 753-1245.

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



AMENDATORY SECTION (Amending Order 1425, filed 8/17/79)

WAC 388-15-552 ADULT FAMILY HOME—ELIGIBLE PERSONS. (1) Persons who are eligible to receive adult family home care placement services (~~(who)~~):

(a) Have income less than eighty percent state median income adjusted for family size (SMIAFS); or

(b) ~~((Require less than skilled nursing care. See WAC 388-88-081; (c)))~~ Are unable to maintain a safe environment in an independent living arrangement, or require training, supervision, or assistance with activities of daily living services and/or health-related services, including nursing care as described in WAC 388-73-304(5).

(2) Persons are eligible to receive adult family home payment services whose:

(a) Nonexempt income exceeds the basic cost of care; but

(b) Is less than the cost of their individual level of care as assessed by department staff.

**WSR 83-17-025**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed August 9, 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 restoration of lost food stamp benefits, amending WAC 388-54-805;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 8, 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 388-54-805.

The Purpose of the Rule or Rule Change: To limit restoration of lost food stamp benefits to 12 months. Identifies the point in time lost benefits can be calculated.

The Reason These Rules are Necessary: The publication of final rules, Federal Register, Vol. 48, No. 76, 4/19/83, FNS.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Limits restoration of lost food stamp benefits to a one-year period calculated from the time the department learns of the request from the household.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Roy Uppendahl, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-4382.

These rules are necessary as a result of federal law, 7 CFR 272 and 273.

AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-805 ISSUANCE—RESTORATION OF LOST BENEFITS. (1) Whenever a household receives fewer benefits than ~~((it))~~ the household is entitled to receive ~~((as a result of error by the department))~~, the department shall restore those benefits ~~((which were lost within))~~ when:

(a) The loss was caused by department error;

(b) An administrative disqualification for intentional program violation was subsequently reversed;

(c) Any rule or instruction specifies restoration of lost benefits; or

(d) Found by any judicial action that benefits were wrongfully withheld.

(2) Benefits shall be restored for not more than twelve months ~~((of))~~ from:

(a) The month the department ~~((was notified by the household or by another person or agency in writing or orally of the possible loss))~~ receives a request for restoration;

(b) The month the department is notified or otherwise discovers ~~((that))~~ a loss to a ~~((specific))~~ household has occurred;

(c) The date the household requested a fair hearing ~~((to contest the adverse action which resulted in the loss))~~ when a request for restoration was not received; or

(d) The date the court action was initiated when the judicial action is the first action the recipient has taken to obtain restoration of lost benefits.

~~((2))~~ (3) Benefits shall be restored even if the household is currently ineligible.

~~((3))~~ The twelve-month limitation does not apply to benefits which are to be restored when:

(a) A fraud disqualification penalty is reversed;

(b) Amounts deducted from SSI benefits to repay SSI overpayments, since January 1976, were counted as food stamp income (households may apply for this benefit until 5-1-80);

(c) The household, previously determined by the department to be entitled to benefits as a result of the household winning a fair hearing or an error being made in determining the household's eligibility, was denied restoration of benefits because the household was not currently participating;)

(4) The department shall notify the household of its entitlement, the amount of benefits to be restored, the method of restoration and the right to appeal, and any offsetting that was done.

(5) If ~~((the department determines that a household is entitled to restoration of lost benefits, but))~~ the household does not agree with the amount to be restored or with any other action taken by the department, the household may request a fair hearing within ninety days of the date the household is notified of ~~((its entitlement to restoration of lost benefits, as specified in WAC 388-54-805(3)(c). Households previously notified they were due benefits but who could not receive them~~

because they were not currently participating may request a fair hearing ninety days from the date the CSO makes a decision on the request to restore benefits)) the department's action.

((fa)) (6) If a fair hearing is requested prior to or during the time lost benefits are being restored, the household shall continue to receive the lost benefits, as determined by the department, pending the result of the fair hearing.

((b) If the fair hearing decision is favorable to the household, the department shall restore the lost benefits in accordance with that decision.

(c) If a household and the department disagree about the household's entitlement to restoration of lost benefits, the household has ninety days from the date of the department determination to request a fair hearing. The department shall restore lost benefits to the household only if the fair hearing decision is favorable to the household. Benefits lost more than twelve months prior to the date the department was initially informed of the household's possible entitlement shall not be restored unless the household was previously notified they were due benefits but could not receive them because they were not currently participating. In these cases, the twelve-month limitation does not apply.

(6) Individuals disqualified for fraud are entitled to restoration of benefits lost during the months they were disqualified only if the decision which resulted in disqualification is subsequently reversed. Benefits shall be restored regardless of the length of time that has elapsed since the household member was disqualified.

(7) The department shall restore lost benefits to a household whether or not it is currently eligible or ineligible, by issuing an allotment equal to the amount of benefits that were lost.

(8) The department shall restore lost benefits that occurred prior to elimination of the purchase requirement. Households assigned a purchase requirement that was too high or assigned an incorrect household size shall be entitled to restoration of their lost benefits. The amount shall be equal to the difference between the allotment the household received and the correct amount the household should have received.

(9)) (7) Whenever lost benefits are due a household and the household's membership has changed, the department shall restore the lost benefits to the household containing a majority of the individuals who were household members at the time the loss occurred. If the department cannot locate or determine the household which contains this majority, ((it)) the department shall restore the lost benefits to the household containing the head of the household at the time the loss occurred.

((10) The department shall honor reasonable requests by households to restore lost benefits in monthly installments if, for example, the household fears the excess coupons may be stolen, or that the amount to be restored is more than it can use in a reasonable period of time.

((11) Households described in WAC 388-54-805(3)(c) shall provide the CSO with a copy of the notice they received if it was within the past three years. If it has been more than three years, the household may complete an affidavit stating they received notice that they were due an amount of stamps or were overcharged for the stamps they received. The affidavit shall also include an explanation by the household of their entitlement. The affidavit is not necessary if the amount due can be verified through case records or accounts payable ledgers.))

**WSR 83-17-026**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2000—Filed August 9, 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 388-15-213 Chore services—Payment.  
Amd WAC 388-15-215 Chore services—Limitations on program.

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.

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 August 8, 1983.

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

**AMENDATORY SECTION** (Amending Order 1904, filed 11/16/82)

WAC 388-15-213 PAYMENT. (1) Payment may be made for services performed by a relative, but payment to a spouse, father, mother, son, or daughter can be made only when the person:

- (a) Has to give up paid employment (more than thirty hours per week) to give the service, or
- (b) Would otherwise need to take paid employment (more than thirty hours per week), or
- (c) Would otherwise be financially eligible to receive general assistance to meet his or her own need.

(2) Payment to the spouse providing chore services to an incapacitated, eligible client shall not exceed the amount of a one-person standard for a continuing general assistance grant. Refer to WAC 388-29-100.

(3) In the contracted program, payment is made to the contractor who directly pays the chore provider. (Refer to WAC 388-15-208.)

(4) In the individual provider program, payment is made to the client who pays the chore provider. (Refer to WAC 388-15-208.)

(a) An hourly wage is paid for the actual number of hours worked on all chore services tasks (maximum of one hundred sixteen hours per month per client), except for attendant care and supervision of children when the client is temporarily absent.

(i) The hourly wage rate must at least comply with federal minimum wage guidelines.

(ii) The maximum hourly wage rate shall not exceed the amount set by the community services office (CSO) administration and should consider the prevailing rate in the community for similar services but shall not exceed three dollars and ((seventy-five)) eighty-five cents per hour.

(b) A monthly rate is paid for attendant care and supervision of children. The monthly rate is determined by the service worker after discussion with the client and

chore provider, but ~~((it))~~ the monthly rate shall not exceed the lesser of the following, a maximum of five hundred ~~((ten))~~ twenty-five dollars per month or the amount determined by the table ~~((in subsection (4)(b) of this section))~~ as follows:

MONTHLY RATE DETERMINATION

HOURS OF SERVICE PER DAY	PAYMENT PER DAY	BASE MONTHLY RATE
(30 DAYS PER MONTH)		
16 - 24	up to \$17.50	up to \$525
12 - 15	up to \$15.50	up to \$465
8 - 11	up to \$12.50	up to \$375
4 - 7	up to \$ 8.20	up to \$246
2 - 3	up to \$ 5.20	up to \$156
1	up to \$ 3.20	up to \$ 96

~~((Another))~~ Up to fifty dollars per month is added for each additional client authorized for service in the household.

(c) An individual provider program eligible client or applicant may request approval from the department to exceed the maximum monthly rate set by the department or the maximum hourly wage established by the regional office. The department shall authorize a higher payment rate necessary to maintain the client or applicant in his or her own home when:

(i) The need for the higher payment is specific and clearly measurable; and((;))

(ii) The client or applicant provides documentation ~~((that))~~ services are not available at the established maximum payment rate; and((;))

(iii) The client or applicant has made a reasonable effort to find a qualified provider at the established maximum payment rate; and((;))

(iv) The total cost for the chore services does not exceed the lesser of the following, a maximum of seven hundred ~~((twenty))~~ thirty-five dollars, or the amount determined by the table in subsection (4)(b) ~~((and (4)(c)(v:))~~ of this section as follows:

HOURS OF SERVICE PER DAY	ADDITIONAL PAYMENT PER DAY	ADDITIONAL MONTHLY PAYMENT
(30 DAYS PER MONTH)		
16 - 24	up to \$7	up to \$210
12 - 15	up to \$5	up to \$150
8 - 11	up to \$4	up to \$120
4 - 7	up to \$3	up to \$90
2 - 3	up to \$2	up to \$60
1	up to \$1	up to \$30

(d) All clients or applicants shall be informed in writing of the process as defined in subsection (4)(c) of this section and shall have the right to request approval from the department ~~((approval))~~ to exceed the maximum monthly or hourly rate.

(e) When the department denies a request to exceed the maximum payment rates or makes approval at a lesser rate than requested by the client or applicant, the client or applicant shall receive notice of his or her right to contest the decision pursuant to chapter 388-08 WAC. The department shall approve or deny requests within thirty days.

(f) When the client provides board and room or meals to the chore provider, the department may make a payment to partially reimburse the cost of this expense. The

payment shall not exceed an allowance established by the department and shall be prorated by days of service.

(g) Payment is made only after service delivery has been verified.

AMENDATORY SECTION (Amending Order 1904, filed 11/16/82)

WAC 388-15-215 LIMITATIONS ON PROGRAM. (1) The chore services program is not a teaching or companionship program and cannot be used for the purpose of delivering skilled nursing care or developing social, behavioral, recreational, communication or other type skill. Companionship means being with a person in his or her home for the purpose of preventing loneliness or to accompany him or her outside the home, except on basic errands or medical appointments or activities of daily living for attendant care clients.

(2) Chore services cannot be provided in a group home, licensed boarding home, congregate care facility, intermediate care facility, skilled nursing facility, hospital, or other institution, adult family home or child foster home. Shared living arrangements are not considered group homes.

(3) Chore services are provided for the person needing and authorized to receive the service, not for other household members unless the services are part of the total chore services plan which includes the household members as eligible service clients.

(4) Chore services are not provided when community resources or family, neighbors, friends, or volunteers are available and willing to provide the service without charge.

(5) All approvals for additional hours and higher payment rates are reevaluated by the department after a period of up to one year, as determined by the department. These reevaluations are continued, denied, or altered to correspond with the client's present chore services need. The client shall receive notice of his or her right to contest reevaluations which are denied or approved at a lower rate of payment or fewer service hours than initially approved.

(6) Chore services cannot be used for child care for working parent(s).

(7) In family care, the chore services provider may not act as a parent substitute or make major decisions affecting the children.

(8) A maximum of ~~((two))~~ one hundred ~~((twenty-four))~~ eighty-eight thousand eight hundred fourteen hours per month can be authorized in the hourly chore services program. Each community services office is allocated by the regional office a monthly lid of chore services hours for the hourly chore services program in accordance with RCW 74.08.541. Eligible clients or applicants can receive service if hours are available at the community services office. Clients or applicants are classified into three priorities: First priority, attendant care and adult protective services clients or applicants; second priority, personal care clients or applicants; third priority, clients or applicants requiring household tasks only

(escort, transport, shopping, errands, housework, laundry, splitting wood). Clients or applicants in the community services office are provided service based on the client's or applicant's priority and hours available.

**WSR 83-17-027**  
**EMERGENCY RULES**  
**OFFICE OF MINORITY**  
**AND WOMEN'S BUSINESS ENTERPRISES**  
 [Order 83-1—Filed August 9, 1983]

I, Carolyn V. Patton, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 221 5th Avenue West, Olympia, WA 98504, the annexed rules relating to interim goals and certification procedures, WAC 326-30-005.

I, Carolyn V. Patton, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 120, Laws of 1983, provides that contracts entered into on or after September 1, 1983, are subject to the goals established by the Office of Minority and Women's Business Enterprises. Because state agencies and educational institutions are presently soliciting proposals and so forth for contracts to be entered into after September 1, it is necessary to adopt interim rules establishing goals and certification procedures on an emergency basis so that agencies and institutions can comply with the new law.

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

This rule is promulgated pursuant to section 3(7), chapter 120, 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 August 9, 1983.

By Carolyn V. Patton  
 Director

**CHAPTER 326-30 WAC**

**GOALS**

**NEW SECTION**

**WAC 326-30-005 INTERIM GOALS AND CERTIFICATION PROCEDURES.** (1) The purpose of this rule is to set forth goals and certification procedures for state agencies and educational institutions while the office of minority and women's business enterprises is being established. This rule is being adopted on an emergency basis and will expire 90 calendar days after its effective date.

(2) The annual overall goals for each state agency and educational institution are as follows: 9.1 percent of the

dollar volume of all contracts with businesses organized for profit awarded by the agency or institution shall be awarded to minority business enterprises, and 3.0 percent of the dollar volume of all contracts with businesses organized for profit awarded by the agency or institution shall be awarded to women's business enterprises. All such contracts entered into with the private sector on or after September 1, 1983, are included in these goals, except as provided in section (5) of this rule. The goals may be met on a contract-by-contract or class-of-contracts basis.

(3) The office will compile a list of minority and women's businesses which state agencies, educational institutions, and contractors shall use to meet their goals during the interim period. The list will consist of (a) businesses certified by the office of minority and women's business enterprises; (b) businesses certified by the Washington State Department of Transportation prior to July 1, 1983; (c) businesses certified by the Washington State Department of Transportation after July 1, 1983, whose application was received by the department prior to July 1, 1983; (d) businesses certified by the City of Seattle prior to July 1, 1983; and (e) businesses certified by the City of Seattle after July 1, 1983, whose application was received by the city prior to July 1, 1983. However, the office may refuse to include on, or may remove from, the list of businesses certified by the Washington State Department of Transportation and/or the City of Seattle those businesses which the office has reason to believe may not in fact be owned and controlled by minorities or women, until the office has had time to investigate or to certify those businesses. All businesses which are to be counted toward goals must be certified at the time of submission of bids or proposals, or at the time the contract is awarded if a competitive process is not utilized. For the purpose of determining whether businesses on the Washington State Department of Transportation and City of Seattle lists should be placed on the office's interim list, the office will accept the definitions of "minority" used by the Washington State Department of Transportation and the City of Seattle. However, in processing applications for certification made to the office, the office will use its own definitions.

(4) State agencies and educational institutions shall include in each request for proposal, call for bids, project specifications, advertisement, or equivalent for contracts to be entered into on or after September 1, 1983, the following information: (a) the goals, if any, established for that contract; (b) a statement that the goals, if any, must be met in order for the proposal or bid to be considered responsive; (c) a statement that a list of acceptable minority and women's business enterprises may be obtained from their agency or from the office of minority and women's business enterprises; and (d) a statement that certification by the office of minority and women's business enterprises is required to participate as a minority business enterprise or women's business enterprise after the interim period and that businesses should apply immediately to the office for certification.

(5) A state agency or educational institution which believes that an insufficient number of minority or women's business enterprises appears on the interim list to satisfy its goals for a particular contract shall take the following actions: (a) notify the office in writing of this belief, and (b) publish a notice in the Daily Journal of Commerce at least two weeks before it issues the request for proposals, call for bids, advertisements, or equivalent stating that any minority or women's business enterprise on the office's list which believes it can perform a portion of the work or provide a portion of the goods or services should notify the state agency or educational institution of its availability. All publication costs will be assumed by the agency or educational institution. If the state agency or educational institution, after the notice and publication, still believes that the goals cannot be met, it may submit a written request to the office to exclude the contract from the base used to measure the agency's or institution's goal achievement. The written request shall set forth the agency's or institution's justification for the exclusion, including any response it has received to the notice in the Daily Journal of Commerce. The office will in its sole discretion grant the exclusion, deny the exclusion, or require the agency or institution to include goals which can be achieved.

(6) Where the United States or any federal agency has minority and/or women's business enterprise goals or certification procedures that are inconsistent with this rule and which require that a state agency follow these procedures as a condition of receiving federal funds, the state agency or education institution shall follow the federal rules to the extent that they are inconsistent with this rule.

**WSR 83-17-028**  
**EMERGENCY RULES**  
**LOTTERY COMMISSION**  
 [Order 34—Filed August 9, 1983]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to the amending of WAC 315-04-070.

We, the Washington State Lottery 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 if the lottery does not issue or renew a license, the fee submitted with the application for licensing or renewal should be refunded. Delay in implementation of this rule would be contrary to the public interest.

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

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 5, 1983.

By Kevin M. Ryan  
 Assistant Attorney General  
 for Lenore Lambert  
 Acting Chairperson

**AMENDATORY SECTION** (Amending Order 4, filed 10/15/82)

WAC 315-04-070 LICENSE FEES. (1) The fee for a license application shall be \$15.00.

(2) The fee for a background check for initial licensure shall be \$10.00.

(3) The fee for renewal of a license shall be \$15.00.

(4) The fee for late renewal of a license shall be \$25.00 in addition to the renewal fee of \$15.00.

(5) All fees established in this section or other sections of this title are not refundable with the exception of the fees in (1) and (3) above which may be refunded if a license is not issued or renewed.

(6) The fees in this section may be prorated for staggered license renewal periods as provided in WAC 315-04-100.

**WSR 83-17-029**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Savings and Loan Associations)**  
 [Filed August 10, 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 operations and procedures of the Division of Savings and Loan and access to Public records—Form, amending WAC 419-20-030, 419-20-070, 419-20-120 and 419-20-140;

that the agency will at 2:00 p.m., Tuesday, September 27, 1983, in the Small Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 42.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1983.

Dated: August 9, 1983  
 By: R. H. "Bob" Lewis  
 Supervisor

## STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Chapter 42.17 RCW requires each agency to adopt regulations for the administration of public records. The Division of Savings and Loan Associations has adopted such regulations in chapter 419-20 WAC. These amendments to chapter 419-20 WAC are to update and correct those regulations.

These regulations are drafted and proposed by R. H. "Bob" Lewis, Supervisor of the Division of Savings and Loan Associations, 217-C General Administration Building, Olympia, Washington 98504, Telephone (206) 753-5597.

The supervisor and his staff are responsible for the enforcement of these regulations.

AMENDATORY SECTION (Amending Order 73-2, filed 7/13/73)

WAC 419-20-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF DIVISION OF SAVINGS AND LOAN. The Division is an administrative, supervisory, licensing and chartering agency. The administrative office of the Division of Savings and Loan and its staff is located at ~~((Room 111A;))~~ 217-C General Administration Building, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 73-2, filed 7/13/73)

WAC 419-20-070 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the Division of Savings and Loan. For the purposes of this chapter, the customary office hours shall be from 8:00 a.m. to ~~((noon, and from 1:00 p.m. to))~~ 5:00 p.m., Monday through Friday, excluding legal holidays.

AMENDATORY SECTION (Amending Order 73-2, filed 7/13/73)

WAC 419-20-120 PROTECTION OF PUBLIC RECORDS. (1) Public records shall be available for public inspection during regular office hours as provided for by regulation at the office of the Division of Savings and Loan, ~~((Room 111A;))~~ 217-C General Administration Building, Olympia~~(;))~~, Washington 98504. No person shall be allowed to remove any records made available to him for inspection from the place designated for inspection by the public records officer. If copies are desired the person so desiring them shall inform the public records officer who shall then either have the copies made or make the copying facilities of the Division of Savings and Loan available for copying.

AMENDATORY SECTION (Amending Order 73-2, filed 7/13/73)

WAC 419-20-140 COMMUNICATIONS WITH DIVISION. All communications with the Division of Savings and Loan including but not limited to the submission of material pertaining to its operations and/or the administration or enforcement of chapter 1, Laws of 1973 and these rules, requests for copies of the Division of Savings and Loan's decisions and other matters, shall be addressed as follows:

Division of Savings and Loan  
Records Officer  
~~((Room 111A;))~~  
217-C General Administration Building  
Olympia, Washington 98504

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 83-17-030

## ADOPTED RULES

## DEPARTMENT OF FISHERIES

[Order 83-88—Filed August 10, 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 83-14-093 filed with the code reviser on July 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 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 9, 1983.

By Gary C. Alexander  
for William R. Wilkerson  
Director

AMENDATORY SECTION (Amending Order 83-31, filed 4/26/83)

WAC 220-44-050 ~~W~~ 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 sizes 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 (*Sebastomus* 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.

**WSR 83-17-031**  
**ADOPTED RULES**  
**DEPARTMENT OF LICENSING**  
**BOARD OF CHIROPRACTIC EXAMINERS**  
 [Order PL 442—Filed August 10, 1983]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chiropractors; auctioneers; landscape architects; barbers; cosmetologists and manicurists; dispensing opticians; collection agencies; podiatrists; debt adjusters; employment agencies; dental hygienists; dentists; drugless therapists; physical therapists; funeral directors and embalmers; hearing aid fitters and dispensers; massage operators and businesses; physicians and physician's assistants; optometrists; nursing home administrators; ocularists; midwives; licensed practical nurses; registered nurses; licensed psychologists; osteopathic physicians and physician's assistants; and veterinarians.

This action is taken pursuant to Notice No. WSR 83-13-116 filed with the code reviser on June 22, 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 section 12, chapter 168, 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 August 9, 1983.

By Jack Nelson  
 Deputy Director  
 for John Gonzalez  
 Director

NEW SECTION

WAC 308-55-025 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$250.00
Renewal	300.00
Late renewal penalty	300.00
Duplicate license	5.00
Apprentice registration	200.00
Transfer of sponsor	50.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-55-010 ✓ FEES.

NEW SECTION

WAC 308-41-025 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$150.00
License renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Certification	15.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-41-020 ✓ FEES.

NEW SECTION

WAC 308-16-500 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<b>Barbers:</b>	
Application and exam	\$ 30.00
Full exam	30.00
Partial reexam	15.00
Renewal	35.00
Late renewal penalty	35.00
Reciprocity	30.00
<b>Instructors:</b>	
Application and exam	30.00
Reexam	30.00
Renewal	35.00
Late renewal penalty	35.00
<b>Manager Instructors:</b>	
Application and exam	30.00
Reexam	30.00
Renewal	35.00
Late renewal penalty	35.00
Barber student application	5.00
Duplicate license (any)	5.00
<b>Certified Men's Hairstylist:</b>	
Application and exam	50.00
Reexam	50.00
<b>Barber Shops:</b>	
Application	25.00
Renewal	25.00
Transfer fee	25.00
Late renewal penalty	25.00
<b>Barber Schools:</b>	
Application	150.00
Renewal	150.00
Late renewal penalty	150.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-16-420 ✓ FEES.

NEW SECTION

WAC 308-40-125 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$120.00
Reexam	120.00
Renewal	40.00
Late renewal penalty	40.00
Reciprocity application	120.00
Duplicate license	5.00
Certification	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-40-120 ✓ DENTISTRY FEES.

NEW SECTION

WAC 308-54-315 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$125.00
Reexam (partial)	75.00
Application—Reciprocity	125.00
Original license	50.00
Temporary permit	125.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
A.I.T. registration	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-54-310 ✓ NURSING HOME ADMINISTRATORS—FEES.

NEW SECTION

WAC 114-12-135 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$250.00
Reciprocity and partial	200.00
National board waiver	200.00
License renewal	125.00

Title of Fee

Fee

Late renewal penalty	125.00
License registration	25.00
Duplicate license	5.00
Certification	10.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 114-12-140 ✓ CHIROPRACTIC—FEES.

NEW SECTION

WAC 308-32-090 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<u>Agencies:</u>	
Investigation fee	\$100.00
Original application	200.00
Renewal	250.00
Late renewal penalty	250.00
<u>Debt Adjustee:</u>	
Investigation fee	100.00
Exam or reexam	150.00
Original application	300.00
Renewal	300.00
Duplicate license	5.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-32-310 ✓ FEES.

NEW SECTION

WAC 308-24-485 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<u>Manager—Operator:</u>	
Exam application	\$ 30.00
Full reexam	30.00
Partial reexam	15.00
Renewal	15.00
Reciprocity	30.00
Late renewal penalty	15.00
<u>Instructor—Operator:</u>	
Exam application	30.00
Reexam	30.00
Renewal	15.00
Reciprocity	30.00
Late renewal penalty	15.00
<u>Manicurist:</u>	
Exam application	15.00



<u>Title of Fee</u>	<u>Fee</u>
Reexam	15.00
Renewal	10.00
Late renewal penalty	10.00
Reciprocity	15.00
Cosmetology student application	5.00
<b>Cosmetology Shop:</b>	
Application	25.00
Renewal	25.00
Late renewal penalty	25.00
<b>Cosmetology School:</b>	
Application	150.00
Renewal	150.00
Late renewal penalty	150.00
Duplicate license (any)	5.00

<u>Title of Fee</u>	<u>Fee</u>
<b>Agencies:</b>	
Original license	\$300.00
Renewal	300.00
Transfer of license	150.00
Duplicate license	5.00
Late renewal penalty	300.00
New contract approval	50.00
<b>Branch Office:</b>	
Original application	150.00
Renewal	150.00
Transfer of license	75.00
Late renewal penalty	150.00
Duplicate license	5.00
General manager exam fee	50.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-24-490 ✓ Fees.

**NEW SECTION**

WAC 308-152-015 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<b>Veterinarian:</b>	
Initial examination (full)	\$150.00
Retake—Written	100.00
Retake—Practical	50.00
Temporary permit	35.00
Initial license or renewal	30.00
Late renewal penalty	30.00
Duplicate license	5.00
Certification	10.00
<b>Animal Technician:</b>	
Exam fee	50.00
Retake exam	50.00
Initial license or renewal	20.00
Late renewal penalty	20.00
Duplicate license	5.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-152-010 ✓ VETERINARY—FEES.

**NEW SECTION**

WAC 308-33-105 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-33-100 ✓ EMPLOYMENT AGENCY—FEES.

**NEW SECTION**

WAC 308-13-150 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Exam application (nonrefundable)	\$ 25.00
Full exam or retake	125.00
Retake—Part A only	25.00
Part B only	25.00
Part C only	30.00
Part D only	30.00
Part E only	30.00
Initial license	75.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Reciprocity fee	150.00
Certification	15.00
Replacement certificate	20.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-13-120 ✓ LANDSCAPE ARCHITECT—FEES.

**NEW SECTION**

WAC 308-11-030 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<b>Auctioneer:</b>	
Initial application	\$ 50.00

<u>Title of Fee</u>	<u>Fee</u>
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	5.00
Certification	10.00
Trainee:	
Initial application	25.00
Renewal	15.00
Late renewal penalty	15.00
Duplicate license	5.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-11-001 FEES.

**NEW SECTION**

WAC 308-29-045 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Collection Agency—Main Office:	
Original application	\$300.00
Investigation (nonrefundable)	200.00
Renewal	300.00
Late renewal penalty	300.00
Duplicate license	5.00
Branch Office:	
Original application	250.00
Renewal	150.00
Late renewal penalty	150.00
Late penalty—After 30 days	750.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-29-040 COLLECTION AGENCY—FEES.

**NEW SECTION**

WAC 308-50-375 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Initial trainee application	\$160.00
Extension of trainee license	160.00
Examination or full reexam	240.00
Partial reexam	120.00
Initial license	80.00
Renewal	80.00
Late renewal penalty	80.00
Duplicate license	5.00
Certification	10.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-50-340 FEES.

**NEW SECTION**

WAC 308-48-250 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Embalmers:	
State exam or reexam	\$ 50.00
National board exam	50.00
Renewal	40.00
Late renewal penalty	40.00
Reciprocity application	50.00
Apprentice application	20.00
Apprentice renewal	20.00
Funeral Director:	
State exam or reexam	50.00
National board exam	50.00
Renewal	30.00
Late renewal penalty	30.00
Apprentice application	15.00
Apprentice renewal	15.00
Duplicate license	5.00
Certification	10.00
Funeral Establishment:	
Original application	50.00
Renewal	50.00
Late renewal penalty	50.00
Pre-need application	35.00
Pre-need renewal	15.00
Financial statement fee	10.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-48-310 FUNERAL DIRECTORS AND EMBALMERS—FEES.

**NEW SECTION**

WAC 308-26-040 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Full exam or reexam	\$ 50.00
Reexam—Practical only	30.00
Reexam—Written (basic) only	10.00
Reexam—Contact lens only	10.00
License renewal	60.00
Late renewal penalty	60.00
Duplicate license	5.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-26-020 ✓ FEES.

**NEW SECTION**

WAC 308-51-200 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<b>Operator:</b>	
Written test	\$ 30.00
Practical exam	40.00
Written—Reexam	30.00
Practical—Reexam	40.00
Initial license	30.00
Renewal	30.00
Late renewal penalty	30.00
<b>Business:</b>	
Application	50.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	5.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-51-030 ✓ MASSAGE LICENSING—FEES.

**NEW SECTION**

WAC 308-31-055 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$200.00
Reciprocity application	200.00
License renewal	100.00
Reexamination	200.00
Late renewal penalty	100.00
Duplicate license	5.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-31-310 ✓ FEES.

**NEW SECTION**

WAC 308-115-405 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Initial application	\$125.00
Examination or reexam	150.00
Renewal	75.00
Late renewal penalty	75.00
Duplicate license	5.00
Verification	10.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-115-400 ✓ FEES.

**NEW SECTION**

WAC 308-120-275 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application fee	\$ 35.00
Application penalty	10.00
License renewal	15.00
Late renewal penalty	15.00
Endorsement—Reciprocity	35.00
Duplicate license	5.00
Second—Subsequent retake	35.00
Verification	10.00
CRN Application	25.00
CRN Renewal	20.00
CRN Prescriptive application	30.00
CRN Prescriptive renewal	20.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-120-260 ✓ REGISTERED NURSE—FEES.

**NEW SECTION**

WAC 308-42-075 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application—Exam	\$100.00
Reciprocity application	100.00
License renewal	35.00
Late renewal penalty	35.00
Duplicate license	5.00
Certification	10.00

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-42-100 ✓ PHYSICAL THERAPIST—FEES.

NEW SECTION

WAC 308-122-275 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application—Written exam	\$ 70.00
Application—Oral exam	60.00
Retake written	70.00
Retake oral	60.00
Initial license or renewal	30.00
Duplicate license	5.00
Certificate of qualification	30.00
Verification	15.00
Late renewal penalty	30.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-122-460 ✓ PSYCHOLOGISTS—FEES.

NEW SECTION

WAC 308-53-020 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Examination	\$100.00
Reexam	100.00
Initial license	40.00
License renewal	40.00
Late renewal	40.00
Duplicate license	5.00
Certification	10.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-53-310 ✓ OPTOMETRY—FEES.

NEW SECTION

WAC 308-116-325 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Application and exam	\$ 35.00
License renewal	10.00
Late renewal penalty	10.00
Reexamination	35.00
Endorsement—Reciprocity	35.00
Duplicate license	5.00
Verification	10.00
Application penalty	10.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-116-310 ✓ LICENSED PRACTICAL NURSE—FEES.

NEW SECTION

WAC 308-138-080 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<u>Osteopathic Physician:</u>	
Application	\$250.00
License renewal	125.00
Reciprocity	250.00
Retake—Single subject	50.00
Retake—Full day	125.00
Retake—Over one day	200.00
Late renewal penalty	125.00
Duplicate license	5.00
<u>Osteopathic Physician Assistant:</u>	
Application	150.00
Renewal	50.00
Late renewal penalty	50.00
Duplicate license	5.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-138-060 ✓ FEES.

NEW SECTION

WAC 308-25-065 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Initial application and exam	\$ 50.00
Reexam	50.00
Renewal	25.00
Reciprocity	50.00
Duplicate license	5.00
Certification	25.00

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-25-060 ✓ DENTAL HYGIENIST—FEES.

NEW SECTION

WAC 308-52-315 ✓ FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
<b>Physicians and Surgeons:</b>	
Application	\$ 35.00
First exam	100.00
Retake—Exam	100.00
Application—Reciprocity	50.00
License renewal	30.00
Late renewal penalty	10.00
Limited license	55.00
Limited license renewal	15.00
Certification	15.00
Duplicate license	5.00
Disciplinary assessment	30.00
<b>Physician's Assistant:</b>	
Application	25.00
Renewal	10.00
Late renewal penalty	10.00
Duplicate license	5.00

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

**WSR 83-17-033**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
 [Order IT 83-2—Filed August 11, 1983]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to state of Washington Estate and Transfer Tax Reform Act rules, chapter 458-57 WAC.

This action is taken pursuant to Notice No. WSR 83-13-120 filed with the code reviser on June 22, 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 Revenue as authorized in RCW 83.100.100.

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 August 11, 1983.

By Clarence A. Borley  
 Director, Inheritance Tax Division

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 308-52-310 ~~PHYSICIAN—FEES.~~

**WSR 83-17-032**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 83-18—Filed August 11, 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 Franklin County, amending WAC 173-19-190.

This action is taken pursuant to Notice Nos. WSR 83-10-061 and 83-14-010 filed with the code reviser on May 4, 1983, and June 24, 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 8, 1983.

By John F. Spencer  
 Deputy Director

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

WAC 173-19-190 ~~FRANKLIN COUNTY.~~ Franklin County master program approved December 10, 1974. Revision approved December 12, 1975. Revision approved August 28, 1978. Revision approved October 2, 1978. Revision approved July 8, 1983.

Chapter 458-57 WAC  
**STATE OF WASHINGTON ((~~INHERITANCE TAX~~)) ESTATE AND TRANSFER TAX REFORM ACT RULES**

**NEW SECTION**

WAC 458-57-510 ~~SCOPE OF RULES.~~ These rules are promulgated under the authority of RCW 83-100.100 and are intended to implement chapter 83.100 RCW.

**NEW SECTION**

WAC 458-57-520 ~~NATURE OF ESTATE TAX.~~ (1) The estate tax is neither a property tax nor an inheritance tax. It is a tax imposed on the transfer of the entire taxable estate and not upon any particular legacy, devise, or distributive share.

(2) The estate tax does not purport to reach completed absolute lifetime transfers. Section 2035(d) of the Internal Revenue Code generally exempts such transfers. To the extent permitted by this provision, lifetime transfers escape the state estate tax. There is no state gift tax.

**NEW SECTION**

WAC 458-57-530 ~~PROPERTY SUBJECT TO ESTATE TAX.~~ The estate tax is imposed on transfers of the taxable estate, as defined in section 2051 of the

Internal Revenue Code. The following paragraphs contain a general description of the method to be used in determining the taxable estate of decedent:

(1) Gross estate. The first step in determining the tax is to ascertain the total value of the decedent's gross estate. The value of the gross estate includes the value of all property to the extent of the interest therein of the decedent at the time of his death. In addition, the gross estate may include property in which the decedent did not have an interest at the time of his death. A decedent's gross estate for federal estate tax purposes may therefore be very different from the same decedent's estate for local probate purposes. Examples of items which may be included in a decedent's gross estate and not in his probate estate are the following: Certain property transferred by the decedent during his lifetime without adequate consideration; property held jointly by the decedent and others; property over which the decedent had a general power of appointment; proceeds of certain policies of insurance on the decedent's life annuities; and dower and curtesy of a surviving spouse or a statutory estate in lieu thereof. For a detailed explanation of the method of ascertaining the value of the gross estate, see sections 2031 through 2044 of the Internal Revenue Code, and the regulations thereunder.

(2) Taxable estate. The second step in determining the tax is to ascertain the value of the decedent's taxable estate. The value of the taxable estate is determined by subtracting from the value of the gross estate the authorized exemption and deductions. Under various conditions and limitations, deductions are allowable for expenses, indebtedness, taxes, losses, charitable transfers, and transfers to surviving spouse. For a detailed explanation of the method of ascertaining the value of the taxable estate, see sections 2051 through 2056 of the Internal Revenue Code and the regulations thereunder.

NEW SECTION

WAC 458-57-540 ✓ RESIDENTS—TAX IMPOSED. A tax is imposed on the transfer of the taxable estate of every decedent who was domiciled in the state of Washington at the time of such decedent's death. The tax imposed is an amount equal to the federal credit as defined in RCW 83.100.020(3) and WAC 458-57-560(4).

NEW SECTION

WAC 458-57-550 ✓ VALUATION. The value of every item of property in a decedent's gross estate is its fair market value, except that if the personal representative elects the alternate valuation method under section 2032 of the Internal Revenue Code, it is the fair market value thereof at that date, with the adjustments prescribed in that section. Notwithstanding the preceding sentences, valuation of certain farm property and closely-held business property, properly made for federal estate tax purposes pursuant to an election authorized by section 2032A of the Internal Revenue Code, shall be binding for state estate tax purposes.

NEW SECTION

WAC 458-57-560 ✓ IMPOSITION OF TAX. (1) A tax in an amount equal to the federal credit is imposed by RCW 83.100.030 upon the net estate of every decedent. "Net estate" for state tax purposes means the same thing as "taxable estate" for federal tax purposes. When the amount of deductions allowable exceeds the value of the gross estate, there is no "taxable (or net) estate," and no state tax is due.

(2) The Internal Revenue Code of 1954 means the Internal Revenue Code of 1954, as amended or renumbered prior to January 1, 1982. See St. of Wash. v. Readers Digest, 81 Wn.2d 259, 501 P.2d 290 (1972).

(3) The "maximum amount of the credit for state death taxes allowed under section 2011" means allowed without regard to section 2011(a) of the Internal Revenue Code. The Washington estate tax is due in every case in which the credit is available whether or not it is claimed for federal tax purposes.

(4) The term "federal credit" means the credit amount prescribed in section 2011(b) of the Internal Revenue Code, as limited by the amount which the federal estate tax exceeds the unified credit prescribed in section 2010 of the Internal Revenue Code. It is computed on a special base denominated "adjusted taxable estate," which is determined by simply reducing the amount of federal taxable estate by \$60,000.

(5) The amount of tax payable to the state of Washington shall not exceed an amount equal to the amount of tax computed in accordance with section 2001 of the Internal Revenue Code reduced by the amount of unified credit provided by section 2010 of the Internal Revenue Code.

(6) The amount of the tax shall not be reduced by the amount of any credit allowed for federal purposes other than the amount of credit prescribed under section 2010 of the Internal Revenue Code. Specifically, the amount of the state estate tax shall not be reduced by the amount of any credit for tax on prior transfers, foreign death taxes, or death taxes on remainders provided in sections 2013, 2014, and 2015 of the Internal Revenue Code.

Amount of credit:

(A)	(B)	(C)	(D)
Adjusted taxable estate or more than	Adjusted taxable estate less than	Credit on amount in column (A)	Rates of credit on excess over amount in column (A)
			Percent
\$ 40,000	\$ 90,000	\$ 0-	0.8
90,000	140,000	400	1.6
140,000	240,000	1,200	2.4
240,000	440,000	3,600	3.2
440,000	640,000	10,000	4.0
640,000	840,000	18,000	4.8
840,000	1,040,000	27,600	5.6
1,040,000	1,540,000	38,800	6.4
1,540,000	2,040,000	70,800	7.2
2,040,000	2,540,000	106,800	8.0
2,540,000	3,040,000	146,800	8.8
3,040,000	3,540,000	190,800	9.6
3,540,000	4,040,000	238,800	10.4
4,040,000	5,040,000	290,800	11.2
5,040,000	6,040,000	402,800	12.0
6,040,000	7,040,000	522,800	12.8
7,040,000	8,040,000	650,800	13.6
8,040,000	9,040,000	786,800	14.4

p/c OK 9/15/83 CD

9,040,000	10,040,000	930,800	15.2
10,040,000		1,082,800	16.0

Example (1). A died in 1986, leaving her husband and children surviving. Her taxable estate, computed after allowance of the marital deduction, was \$700,000. The adjusted taxable estate was \$640,000. The Washington state estate tax due is \$18,000.

Example (2). C died in 1983. All of his property passed to his wife D, outright under a community property agreement. His marital deduction under section 2056 of the Internal Revenue Code reduced his federal taxable estate to zero. Because his taxable estate is zero, no Washington tax is due.

Example (3). E, a single man, died in 1984. His federal taxable estate was \$100,000; thus, the adjusted taxable estate was \$40,000 (\$100,000 - \$60,000). No Washington tax is due. Section 2011 of the Internal Revenue Code provides for no credit unless the adjusted taxable estate exceeds \$40,000.

Example (4). F, a widower, died in 1985. One year before his death he made an absolute transfer of almost all of his property to his son, G. His federal tax liability was computed on the basis of "adjusted taxable gifts" of \$750,000 and a taxable estate of \$3,000. No Washington estate tax is due, and there is no Washington gift tax.

Example (5). B, a widow, died in 1982 leaving a taxable estate of \$290,000. The amount of tax payable to the state of Washington, equivalent to the federal death tax credit, is computed as follows:

Taxable estate	\$290,000		
Less	<u>60,000</u>		
Adjusted taxable estate	\$230,000		
Section 2011 credit on first	\$140,000	is	\$1,200
Plus 2.4% of	90,000	is	<u>2,160</u>
Washington tax liability			\$3,360

Example (6). Decedent died in 1983, leaving a taxable estate of \$280,000. The amount payable to the state of Washington is computed as follows:

Taxable estate	\$280,000		
Less	<u>60,000</u>		
Adjusted taxable estate	\$220,000		
Section 2011 credit on first	\$140,000	is	\$1,200
Plus 2.4% of	80,000	is	<u>1,920</u>
State Death Tax Credit equals			\$3,120

**BUT (Federal Estate Tax Computation)**

Taxable estate	\$280,000		
Tax on	\$250,000	is	\$70,800
Plus 34% of	30,000	is	<u>10,200</u>
Gross federal tax			\$81,000
Less unified credit			79,300
Net estate tax			\$ 1,700

Since the federal estate tax payable is \$1,700, which amount is less than the computed state death tax credit, the amount payable to the state is \$1,700 and zero is due the Internal Revenue Service.

**NEW SECTION**

**WAC 458-57-570 TAX RETURNS TO BE FILED.** (1) For purposes of these rules, the word "return" shall mean the "report" called for under provisions of RCW 83.100.050. The Washington Estate Tax Return shall be filed on or before the date the Federal Estate Tax Return is required to be filed.

(2) Section 6075 of the Internal Revenue Code requires that federal estate tax returns be filed within nine months after the date of the decedent's death.

(3) Section 6081 of the Internal Revenue Code permits the granting of reasonable extensions of time for filing estate tax returns for periods generally not to exceed six months.

(4) In the case of any estate for which a federal return must be filed, a Washington state Estate Tax Return shall be filed with the department on or before the date on which the federal return is required to be filed. If a federal extension of the time to file is granted, the date for filing the Washington return is extended thereby. However, if the personal representative shall fail to file with the department a true copy of the extension within thirty days of the issuance of such extension, the department may require the personal representative to file the state return on the date that the federal return would have been due had the extension not been granted. Too, the penalty provided (RCW 83.100.070(2)) for late filing of the tax return shall be applicable if the tax return is filed after the due date, an extension of time to file has been requested, and the extension is denied.

(5) A "release" means a release of no tax due, a release of nonliability or an automatic release.

(6) (a) A release shall be issued, when requested, in every case in which the department determines that an estate is not liable for the payment of the state estate tax in any amount. In instances in which the department is unable to make the determination, it may require proof by the personal representative that no tax is in fact due.

(b) If the department determines that no tax is due, it shall issue a release to the personal representative. The release shall state that the estate tax liability to the state of Washington has been fulfilled, and that the release shall give the personal representative authority to effectuate the transfer of all property comprising the decedent's estate.

(c) The release may be conditional. If, for example, the estate has avoided federal and state tax liability by reason of electing special use valuation under section 2032A of the Internal Revenue Code (entitled "Valuation of Certain Farm, etc. Real Property"), and if state tax will be due in the event the specially valued property is disposed of or taken out of qualified use within the period provided for in section 2032A(c), the request for the release must be joined in by those persons required to sign the agreement mentioned in section 2032A(d)(2), and when issued the release shall specify that it is issued in reliance upon representation that no such disposition or removal from qualified use is contemplated, and the qualified heir will notify the department if removal from qualified use thereafter occurs within ten years following the date of the decedent's death. Should removal from qualified use result in a tax being due the state of Washington, the qualified heir shall notify the department, pay the tax, together with interest at the rate of twelve percent per annum if the tax is not paid within six months of removal of the property from qualified use.

(d) "Qualified heir" shall mean those persons specified in section 2032A(e)(1).

NEW SECTION

WAC 458-57-580 **FORMULA**. The amount of tax payable to Washington for nonresident decedents equals the amount of federal credit multiplied by a fraction, the numerator of which is the value of the property located in Washington, and the denominator of which is the value of the decedent's gross estate:

9/15/83

$$\text{Federal Credit} \times \frac{\text{Gross Value of Property in Washington}}{\text{Decedent's Gross Estate}} = \text{Amount to be Paid = Washington State}$$

p.c/k

This formula contemplates the gross value as finally determined for federal estate tax purposes of any property "located in" Washington as provided in RCW 83.100.040(2). No reduction shall be allowed for any mortgages, liens or other encumbrances or debts associated with such property except to the extent allowable in computing the gross estate for federal estate tax purposes.

NEW SECTION

WAC 458-57-590 **PROPERTY "LOCATED IN" WASHINGTON**. (1) Real property. All real property physically situated in this state, with the exception of federal trust lands, and all interests in such property, are deemed "located in" Washington. Such interests include but are not limited to:

- (a) Leasehold interests.
  - (b) Mineral interests.
  - (c) The vendee's (but not the vendor's) interest in an executory contract for the purchase of real property.
  - (d) Trusts (beneficial interest in trusts of realty).
- (2) Tangible personal property. Tangible personal property of a nonresident decedent shall be deemed "located in" Washington only if:

- (a) At the time of his death the property is situated in Washington;
- (b) It is present for a purpose other than transiting the state.

Example: A nonresident decedent, a construction contractor working as an individual or sole proprietor, was on the date of death engaged in constructing a large building within the state. All equipment, such as earthmovers, bulldozers, trucks, etc., used on that contract and located in Washington at the time of death, would be deemed located in Washington for death tax purposes.

NEW SECTION

WAC 458-57-600 **RECIPROCITY EXEMPTION**. If the state in which the nonresident decedent is domiciled exempts from estate, inheritance or other death taxes the property of residents of Washington, the estate of such decedent shall be exempt from Washington estate taxes. This exemption will apply if, as of the date of the decedent's death he was a citizen of the United States, resident of the United States but not of Washington, and such laws of the domicile state: (1) Made specific reference to this state; or (2) contained a reciprocal provision under which nonresidents were exempted from applicable death taxes with respect to property or transfers otherwise subject to the jurisdiction

of such state. In those instances where application of this provision results in loss of available federal credit which would otherwise be allowed by the federal government, Washington will absorb that proportional share which is applicable to property within the jurisdiction of this state. Application of this provision will not act to increase the total tax obligation of the estate and will not apply if federal regulations prevent allowance of such credit.

NEW SECTION

WAC 458-57-610 **RELEASES**. (1) If the department determines that no taxes imposed by the act are due, the department shall issue a release to the personal representative upon receipt of a request for a release. The request shall be made by completing and submitting to the department the form entitled "Release of Nonliability" which shall be available from the department and which requires the sworn statement of the personal representative that no taxes imposed by the act are due.

(2) In cases in which taxes are due under the act, the department shall issue a release to the personal representative upon request and after such taxes have been paid. The request shall be accompanied by a completed Washington Estate Tax Return and by a completed copy of the Federal Estate Tax Return (Form #706). The final determination of the amount of taxes due from the estate is contingent on receipt of a copy of the Final Closing Letter issued by the Internal Revenue Service.

(3) The department may require additional information to substantiate information provided by the estate.

(4) The release issued by the department will not bind or estop the department in the event of a misrepresentation of facts.

NEW SECTION

WAC 458-57-620 **AMENDED RETURNS—FINAL DETERMINATION**. (1) If an amended federal return is filed, an amended Washington return together with a copy of the amended federal return shall be filed with the department within five days after the date the amended federal return is filed with the Internal Revenue Service.

(2) The written notice to be given the department of the final determination of federal tax pursuant to RCW 83.100.090(2) shall include copies of any final examination report, any compromise agreement, the estate tax closing letter, and any other available evidence of the final determination.

(3) Failure to file an amended return shall toll all applicable statutes of limitations against the tax.

NEW SECTION

WAC 458-57-630 **ADMINISTRATION—RULES**. For the purposes of these rules, the term "court of record" shall mean a superior court or any division of the court of appeals. A rule determined to be invalid by a court other than an appellate court shall nevertheless continue to have persuasive effect in the application and interpretation of these rules.



NEW SECTION

WAC 458-57-640 ~~ESCHEAT~~ ESTATES—HEIRS—HOW LOCATED AND PROOF. (1) In those cases where it is apparent that the estate will escheat to the state of Washington and heirs are subsequently located, the personal representative shall provide the department with all evidence of which he has knowledge or of which he has possession showing that the purported heirs are actually heirs. All documents in support of heirship must be in the English language when submitted to the department. The translation into English from any foreign document shall be authenticated as reasonably required by the department.

(2) In all cases where there is a court hearing or the taking of a deposition on the question of heirship, the personal representative shall give the department twenty days' written notice of such hearing or matter.

(3) The personal representative must give the department at least twenty days' written notice of the hearing on the final account and petition for distribution.

NEW SECTION

WAC 458-57-650 ~~INTEREST AND PENALTIES~~. (1) Estate taxes due the state are delinquent if not paid within nine months of the date of death. Interest accrues on delinquent taxes at the rate of twelve percent per annum and will be prorated in accordance with Table A.

(2) If the Estate Tax Return required is not filed within the time specified in WAC 458-57-570, then the personal representative shall pay, in addition to the interest provided in subsection (1) of this section, a penalty equal to five percent of the tax due for each month the report has not been filed, but the total penalty shall not exceed twenty-five percent of the tax. The penalty is added to the total amount of tax and interest due. It shall be prorated for those periods less than a month in accordance with Table B.

(3) When interest and penalties have been imposed for late filing or payment, and partial payments of the total amount due are received, the payments shall be applied first to pay the penalty, then the accrued interest, and then the principal.

(4) The penalty for failure to file will not be assessed in those instances where prior to the due date a payment of the tax due has been made and the circumstances which render the timely filing of the return impossible have been brought to the attention of the department.

INTEREST & PENALTY DAILY FACTORS

For Deaths on or After 1/1/82

Table with 4 columns: Day, 12% Per Annum Interest (1% per mo.), Day, 5% Penalty Failure to File. Rows 1-10.

TABLE A 12% Per Annum Interest (1% per mo.)

Table with 2 columns: Day, Interest rate. Rows 11-31.

TABLE B 5% Penalty Failure to File

Table with 2 columns: Day, Penalty rate. Rows 11-31.

Handwritten note: 9/15/83 pe/ok

Example

Table showing Interest Factor and Penalty Factor calculations for a 4 mos. 13 days delinquent payment and 2 mos. 21 days late filing.

NEW SECTION

WAC 458-57-660 ~~REFUNDS~~. Claims for refund of taxes overpaid must be initiated within one year of the time the taxes are first paid to the state of Washington. Such claim may be made only by the personal representative or his retained counsel. Any refund issued by the department will include interest at the existing statutory rate computed from the date the overpayment was received by the department until the date it is returned to the estate's representative.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 458-57-010 SCOPE OF RULES.
(2) WAC 458-57-020 NATURE OF INHERITANCE TAX.
(3) WAC 458-57-030 PROPERTY SUBJECT TO INHERITANCE TAX.
(4) WAC 458-57-040 JURISDICTION—DOMICILE OF DECEDENT.
(5) WAC 458-57-050 STATUS AND CHARACTER OF ASSETS.
(6) WAC 458-57-060 VALUATION.
(7) WAC 458-57-070 VALUATION—REAL ESTATE.
(8) WAC 458-57-080 VALUATION—GOLD AND SILVER BULLION.
(9) WAC 458-57-090 VALUATION—SECURITIES.
(10) WAC 458-57-100 CLOSELY HELD SECURITIES—PARTNERSHIPS—SOLE PROPRIETORSHIPS.

(11) WAC 458-57-110 VALUATION OF CERTAIN LIFE INSURANCE AND ANNUITY CONTRACTS—VALUATION OF SHARES IN AN OPEN-END INVESTMENT COMPANY.

(12) WAC 458-57-120 NOTES—OTHER INTANGIBLES.

(13) WAC 458-57-130 REAL ESTATE CONTRACTS.

(14) WAC 458-57-140 CASH ON HAND OR ON DEPOSIT.

(15) WAC 458-57-150 TANGIBLE PERSONAL PROPERTY, HOUSEHOLD AND PERSONAL EFFECTS.

(16) WAC 458-57-160 VALUATION OF ANNUITIES, LIFE ESTATES, TERMS FOR YEARS, REMAINDERS, AND REVERSIONS.

(17) WAC 458-57-170 TABLES FOR VALUATION OF ANNUITIES, LIFE ESTATES, TERMS FOR YEARS, REMAINDERS, AND REVERSIONS FOR ESTATES OF DECEDENTS DYING ON AND AFTER MAY 30, 1979.

(18) WAC 458-57-180 TRANSFERS PRIOR TO DEATH—COMPUTATION OF TIME—VALUATION—CONTEMPLATION.

(19) WAC 458-57-190 DEDUCTIONS.

(20) WAC 458-57-200 NONDEDUCTIBLE ITEMS.

(21) WAC 458-57-210 EXEMPT ENTITIES.

(22) WAC 458-57-220 CLASSES OF BENEFICIARIES—HEIRS.

(23) WAC 458-57-230 EXEMPTIONS—CLASS A.

(24) WAC 458-57-240 EXEMPTIONS—CLASSES B AND C.

(25) WAC 458-57-250 EXEMPTIONS—ALIENS.

(26) WAC 458-57-260 INSURANCE—EXEMPTIONS.

(27) WAC 458-57-270 PRORATING OF EXEMPTIONS.

(28) WAC 458-57-280 PRORATING COSTS AND FEES.

(29) WAC 458-57-290 CREDIT FOR PROPERTY PREVIOUSLY TAXED.

(30) WAC 458-57-300 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—CLASS A.

(31) WAC 458-57-310 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—PORTION OF NET SECOND ESTATE TO CLASS OTHER THAN A.

(32) WAC 458-57-320 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—SPECIFIC BEQUEST SECOND ESTATE TO CLASS OTHER THAN A.

(33) WAC 458-57-330 COMPUTATION FORMULA—PROPERTY PREVIOUSLY TAXED—SPECIFIC BEQUEST AND PORTION OF NET SECOND ESTATE TO CLASS OTHER THAN A.

(34) WAC 458-57-340 FEDERAL CREDIT FOR DEATH TAXES.

(35) WAC 458-57-350 PAYMENT OF TAX.

(36) WAC 458-57-360 PAYMENT OF TAX FROM RESIDUE—TAX ON TAX.

(37) WAC 458-57-370 DEFERRAL OF TAX—POWER OF APPOINTMENT—MINIMUM AND MAXIMUM TAX—SECURED TAX.

(38) WAC 458-57-380 INTEREST—PENALTIES.

(39) WAC 458-57-390 INTEREST ON UNPAID TAX.

(40) WAC 458-57-400 REFUNDS.

(41) WAC 458-57-410 ESCHEAT ESTATES—HEIRS—HOW LOCATED AND PROOF.

(42) WAC 458-57-420 PRELIMINARY STATEMENT.

(43) WAC 458-57-430 INVENTORY AND APPRAISEMENT—INVENTORY OF ASSETS.

(44) WAC 458-57-440 INHERITANCE TAX RETURNS—DUTY TO KEEP RECORDS AND RENDER STATEMENTS—FILING OF RETURNS—CONTENTS OF RETURNS.

(45) WAC 458-57-450 PAYMENT OF INHERITANCE TAX—EXTENSION OF TIME—BASIS FOR—REASONABLE CAUSE—UNDUE HARDSHIP.

(46) WAC 458-57-460 INHERITANCE TAX—EXTENSION OF TIME FOR PAYMENT—FAILURE TO PAY ON TIME.

(47) WAC 458-57-470 INHERITANCE TAX—EXTENSION OF TIME FOR PAYMENT—SECURITY.

(48) WAC 458-57-480 CLOSELY HELD BUSINESSES—WHAT CONSTITUTES.

(49) WAC 458-57-490 QUALIFIED OR SPECIAL USE—APPLICATION OF STATUTORY AND REGULATORY PROVISIONS.

(50) WAC 458-57-500 MISCELLANEOUS PROVISIONS.

#### WSR 83-17-034

#### PROPOSED RULES

#### PUBLIC DISCLOSURE COMMISSION

[Filed August 11, 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:

New WAC 390-20-146 Lobbyist entertainment; reporting.  
Amd WAC 390-20-145 Reporting of lobbying events;

that the agency will at 9 a.m., Tuesday, August 23, 1983, in the Second Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

This notice is connected to and continues the matter in Notice No. WSR 83-13-046 filed with the code reviser's office on June 13, 1983.

Dated: August 9, 1983  
By: Graham E. Johnson  
Administrator

**WSR 83-17-035**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed August 11, 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 388-28-480 Use of income and income potentials—  
Types of income—Effect on need.  
Amd WAC 388-28-650 Guardianships and trusts—Indians;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 74.12 RCW.

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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 11, 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 388-28-480 and 388-28-650.

Purpose of the Rule Change: To amend the treatment of loans as income and clarify the treatment of Indian trust funds.

The Reason These Rules are Necessary: To bring the treatment of loans into conformity with RCW 74.04.005(12), and avoid confusion on Indian trust funds.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Loans will not be considered as income to recipients if the terms of the loan are stated in writing, and repayment is being made; and editorial changes only on Indian trust funds.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Helen D. Sommer, CSPM, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-4372.

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

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-28-480 USE OF INCOME AND INCOME POTENTIALS—TYPES OF INCOME—EFFECT ON NEED. (1) An applicant or recipient whose nonexempt net income for the month exceeds the monthly payment level plus authorized additional requirements is not eligible to receive assistance whether the income is received weekly, biweekly, or monthly, except as specified in WAC 388-24-250 through 388-24-265.

(2) Treatment of income.

(a) The grant amount for the month the application is approved shall be determined by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder shall be prorated for the number of days after grant authorization. This prorated figure is the grant amount for the first month of eligibility.

(b) The grant amount for the month following the month of initial eligibility shall be determined by subtracting all net income, received or reasonably expected to be received during the calendar month, from the payment level plus authorized additional requirements. The remainder is the grant amount for the second month of eligibility.

(c) The grant amount for the third month of assistance and subsequent months shall be based upon income and circumstances in the budget/report month. WAC 388-28-483(2) and (3), 388-33-135 and 388-33-140(1)(b) and (c) are exceptions to this rule.

(3) Irregular income up to five dollars per month received by a general assistance applicant or recipient may be disregarded towards meeting need by the local office if the probability exists that such future income will not be appreciable.

(4) Earned income credit (EIC) payments shall be considered earned income during the month received, whether received as advance payments or as an income tax refund, in accordance with P.L. 96-222.

(a) Such payments shall be considered as an addition to gross income for AFDC and refugee assistance whether actually received or not, providing that the recipient is eligible for such payment.

(b) If the family makes every effort to apply for and receive the advance EIC but cannot receive ((it)) the advance EIC for some documented reason, e.g., the employer refuses to process it, ((it)) the advance EIC shall not be deemed as income.

(c) Advance EIC is taken into consideration in the computation of need but is not deemed as income in the one hundred fifty percent test of gross income.

(5) Loans are not considered income, as defined in RCW 74.04.005(12), subject to the following restrictions:

(a) Any contractually agreed loan acquired by an applicant or recipient which commits all funds for a specific purpose other than current maintenance, and so expended, shall not be taken into account as income. The property used as collateral for the loan shall not be included in determining property reserves. The equity accumulated in the specified property shall be considered toward the resource ceiling.

(b) Any other loan, regardless of the loan's ability to meet current needs, shall not be taken into account as income when it is verified the following conditions are met:

(i) The terms of the loan are stated in a written agreement between the lender and the borrower; and

(ii) The agreement clearly specifies the obligation of the borrower to repay the loan. The agreement must include a repayment plan which provides for installments of specified amounts to begin within ninety days of the receipt of the loan and continue thereafter on a regular basis until the loan is fully repaid.

As part of the verification process, the recipient is required to submit loan contract papers or a written agreement setting forth the terms of

the loan regarding the loan's amount and the repayment plan. The agreement must be signed by the lender and the recipient as parties to the agreement.

(6) Repayments to a recipient of money previously loaned by the recipient to another party shall not be taken into account as income, since the loan represents income or resources already considered in computing need. The facts of the loan must be verified. Consider any interest paid on the loan as newly acquired income.

(7) A gift in-kind, ((as)) named ((below)) as follows, supplied on condition that ((it)) the gift in-kind be used only in a manner or for a purpose specified in writing by the donor shall not be considered as a resource or as income which is available to meet need.

(a) Real or personal property, excluding cash and marketable securities, which is exempted for an applicant and which is within the ceiling values. Example: A home or a new furnace.

(b) Any item in the department's standards for additional requirements which is not a requirement for the recipient of such a gift. Example: Telephone service.

(c) Needed goods or services not currently included as additional requirements in the department's standards. Example: Repair of house or of household equipment.

((7)) (8) WAC 388-28-482 and 388-28-484 cover newly acquired income received by a recipient.

#### AMENDATORY SECTION (Amending Order 1001, filed 1/14/75)

WAC 388-28-650 GUARDIANSHIPS AND TRUSTS—INDIANS. (1) When the superintendent of an Indian agency determines ((that)) an individual Indian under his or her jurisdiction needs help in managing his or her affairs, the superintendent has the authority, under Title 25, Code of Federal Regulations, Part 104, to control disbursement of the Indian's trust funds. When such authority has been exercised, and the Indian is an applicant for or a recipient of public assistance, the following rules apply:

(a) The superintendent must provide to the department a written statement that he or she is maintaining control of the Indian's trust funds according to the provisions of 25 C.F.R. 104.

(b) The Indian or his or her representative must discuss with the superintendent the availability of trust funds ((in excess of exempt levels)) to meet public assistance need, and the superintendent must indicate to the department whether or not funds will be released for this purpose.

(c) Any trust funds disbursed directly to the Indian in excess of exempt resource levels are under his or her control and are available to meet need. See WAC 388-28-440(1).

(d) Funds held in trust by the superintendent and not disbursed are not available to meet need.

(e) Funds disbursed by the superintendent to third parties in payment for goods or services are not under the Indian's control, but may be available to meet need, depending on the nature of the disbursement.

(i) Disbursements to third parties for items ((which duplicate)) duplicating basic requirements, as defined in WAC ((388-22-030(62)(b))) 388-22-030(57)(b), are available to meet need.

(ii) Disbursements to third parties for items ((which do)) not ((duplicate)) duplicating basic requirements are not available to meet need. However, such items must be evaluated with regard to the resource limitations of WAC 388-28-430.

(f) Each periodic redetermination of eligibility shall include a review of disbursements from the individual Indian's trust account.

(2) Real property held in trust for an individual Indian is not an available resource. An Indian applying for or receiving public assistance shall not be required to sell or attempt to sell allotted trust property as a condition of eligibility. Property which has lost its trust status is an available resource.

**WSR 83-17-036**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed August 11, 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, amending chapter 388-54 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about August 8, 1983;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 8, 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 388-54 WAC, Food stamps.

The Purpose of the Rule or Rule Change: To revise the rules relating to disqualification from the program and improve recovery of overpayment.

The Reason These Rules are Necessary: To comply with federal regulations published February 15, 1983.

Statutory Authority: RCW 74.04.510.

Summary of the Rule or Rule Change: These sections of chapter 388-54 WAC contain the following changes: WAC 388-54-815 is amended so the household may request a conference because of a delay in expedited services. The remaining information in this section is being deleted; WAC 388-54-817 is being adopted outlining procedures for administrative hearings. Allows the department to combine an overpayment allegation and a

disqualification allegation into a single hearing; WAC 388-54-820 is amended to change the terminology of hearing examiner to presiding or review officer; WAC 388-54-821 is being repealed; WAC 388-54-826 is being repealed; WAC 388-54-82650 is being adopted to change the terminology from fraud to intentional program violation; revise the disqualification periods to six months for the first violation, 12 months for the second violation, and permanently for the third violation; state previous disqualifications will be treated as a single disqualification under these revised rules; and redefine the definition of intention program violation; WAC 388-54-827 is being repealed; WAC 388-54-828 is being repealed; WAC 388-54-829 is being adopted to allow individuals to waive the administrative disqualification hearing; WAC 388-54-830 is being repealed; WAC 388-54-83050 is being adopted to require income and resources of the excluded household member be counted in its entirety towards the household; allow the medical, earned income, standard, department care, and excess shelter deduction apply to the entire household; stipulate no household coupon allotment can be increased as the result of the exclusion of one or more household members; WAC 388-54-835 is being repealed; WAC 388-54-840 is being repealed; and WAC 388-54-850 is being adopted to designate new claims procedures to collect overissuances.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Duane Kerr, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-5918, 234-4918 scan.

These rules are necessary as a result of federal law, 7 CFR 272, 273, 276 and 277.

#### AMENDATORY SECTION (Amending Order 1466, filed 12/19/79)

WAC 388-54-815 ((FAIR HEARINGS)) CONFERENCE.  
((Fair hearings for food stamp purposes shall be conducted as set forth in WAC 388-08, except for provisions listed below:

(1) Each household shall be provided with a notification of right to a hearing:

(a) At the time of application, notification shall be made in writing to the household of its rights to a hearing, of the method by which a hearing may be requested and that its case may be presented by a household member or a representative.

(b) Any time the household expressed to the department that it disagrees with a department action, it shall be reminded of the right to request a fair hearing.

(c) The household shall be reminded of individuals or organizations available that provide free legal representative.

(2) A household shall be allowed to request a fair hearing:

(a) On any action by the department or loss of benefits which occurred in the prior 90 days;

(b) On a denial of a request for restoration of any benefits lost more than 60 days, but less than a year prior to the request;

(c) At any time within a certification period to dispute its current level of benefits:

((3)) The department shall offer a conference to households:

((a)) (1) ((Which wish)) Wishing to contest a denial of expedited service. This conference shall be scheduled within two working days unless the household indicates ((it wants it)) wanting a conference later or ((does)) not ((want)) wanting a conference at all.

((b)) (2) ((Which are)) Adversely affected by an agency action.

((c)) (3) With the department ((shall advise)) advising the household that use of a conference shall in no way delay or replace the fair hearing.

((4) The department shall have the following responsibilities on receiving hearing request:

(a) The department, upon request, shall make available, without charge, the specific materials necessary for a household or its representative to determine whether a hearing should be requested or to prepare for a hearing.

(b) If the individual making the request speaks a language other than English, the department shall insure that the hearing procedures are verbally explained in that language but only in those areas in which the department is required to provide the appropriate bilingual staff.

(c) The department shall also help a household with its hearing request.

(d) If a household makes an oral request for a hearing, the department shall confirm the request in writing and forward the written confirmation to the fair hearings office to start the fair hearing process.

(e) The department shall inform the household of the availability of legal services which can provide representation at the hearing:

(5) The department shall expedite hearing requests from households, such as migrant farmworkers, that plan to move from the state before the hearing decision would normally be reached. Hearing requests from these individuals shall be processed faster than others if necessary to enable them to receive a decision before they leave the area.

(6) The department shall publish clearly written uniform rules of procedure that conform to the fair hearing regulations and shall make the rules available to any interested party. These shall include:

(a) Time limits for hearing requests;

(b) Advance notification requirements;

(c) Hearing timeliness standards;

(d) Rights and responsibilities of persons requesting a hearing;

(7) The secretary or his designee shall not deny or dismiss a request for a hearing unless:

(a) The request is not received within the time period specified;

(b) The request is withdrawn in writing by the household or its representative;

(c) The household or its representative fails, without good cause, to appear at the scheduled hearing;

(8) When a household is notified of the time and place of the fair hearing, it shall also be advised:

(a) Of the name, address and phone number of the person to notify in the event it is not possible for the household to attend the scheduled hearing;

(b) That the secretary or his designee will dismiss the hearing request if the household or its representative fails to appear for the hearing without good cause;

(c) Of any hearing procedures and other information that would provide the household with an understanding of the proceedings and that would contribute to the effective presentation of the household's case;

(d) That the household or representative may examine the case file prior to the hearing;

(9) When a hearing decision has been reached, the secretary or his designee shall notify the household in writing of:

(a) The reasons for the decision;

(b) The evidence which supports the decision;

(c) The federal regulations as codified in WAC;

(d) The household's appeal rights;

(e) That the household's benefits will be issued or terminated as decided by the hearing authority;

(10) The hearing decision is binding upon the department.

(11) The department will be responsible for insuring that the hearing decision is carried out:

(a) If the hearing authority determines that a household has been improperly denied program benefits or has been issued a lesser allotment than was due, lost benefits shall be provided to the household.

(b) If the hearing authority upholds the department's action, a claim against the household for any overissuances shall be prepared and executed.

(12) Within 60 days of receipt of a request for a fair hearing or within 90 days of notification that a fraud hearing has been initiated, the department shall assure that the hearing is conducted, a decision is reached, and the household and local agency are notified of the decision.

(a) Decisions which result in an increase in household benefits shall be reflected in the coupon allotment within 10 days of the receipt of the hearing decision even if the department must provide a supplementary ATP or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.

~~(b) Decisions which result in a decrease in household benefits shall be reflected in the next scheduled issuance following receipt of the hearing decision.~~

~~(13) The household may request and is entitled to receive a postponement of the scheduled hearing.~~

~~(a) The postponement shall not exceed 30 days and~~

~~(b) The time limit for action on the decision may be extended for as many days as the hearing is postponed.)~~

#### NEW SECTION

WAC 388-54-817 ADMINISTRATIVE HEARINGS. Fair hearings in the food stamp program are governed by chapters 10-08, 388-08 WAC, and this section.

(1) This subsection governs a food stamp applicant's or recipient's appeal of a department action or decision that aggrieves him or her.

(a) An applicant or participant in the food stamp program has the right to a fair hearing:

(i) On an action by the department or loss of benefits which occurred in the prior ninety days;

(ii) On a denial of a request for restoration of any benefits lost more than sixty days, but less than a year prior to the request;

(iii) At any time within a certification period to dispute the household's current level of benefits.

(b) The appellant must make the request for a hearing within ninety days of receipt of the decision he or she wishes to appeal.

(c) The final administrative decision is to be made within sixty days of the department's receipt of the request for hearing.

(i) The decision rendering time is extended by as many days as the hearing is continued by a continuance or continuances made on motion by or with the assent of the appellant.

(ii) A hearing request from a household that plans to move from the state before the hearing decision would normally be entered shall be expedited.

(d) Before and during the hearing, the appellant or his or her representative with appellant's written authorization, may inspect the department file or files containing information related to the issue raised in the request for hearing. WAC 388-08-435 states the right of access to, and procedures for disclosure of, investigative and intelligence files.

(e) The hearing is conducted in the county of the appellant's residence unless the appellant moves for or assents to the hearing being conducted in another county. When the hearing is conducted by telephone, for the purposes of this rule the hearing is conducted in the appellant's county of residence when the appellant participates in the hearing from a location in his or her county of residence regardless of the location or locations from which the department's representative and/or the presiding and review officer participate in the hearing.

(f) The decision rendering procedure is the initial decision, petition for review, and review decision procedure described in WAC 388-08-409 and 388-08-413, except the period to timely file a petition for review is ten days from the date the initial decision was mailed.

(g) The department is responsible for carrying out the hearing decision.

(i) If the hearing authority determines a household was incorrectly denied program benefits or was issued a lesser allotment than was due, lost benefits shall be provided to the household.

(ii) If the hearing authority determines a household is entitled to an increase in benefits, the increase shall be reflected in the coupon allotment within ten days of the receipt of the hearing decision even if the department must provide a supplementary FCA or otherwise provide the household with the opportunity to obtain the allotment outside of the normal issuance cycle.

(iii) If the hearing authority determines a household is entitled to a decrease in benefits, the decrease shall be reflected in the next scheduled issuance following entry of the final decision.

(iv) If the hearing authority determines the department's action was correct, a claim against the household for any overissuances shall be prepared and processed.

(h) A copy of the tape recording of the hearing is provided at no cost to the appellant upon written request. The request must be made within one year of the hearing and made to the office of hearings.

(2) Administrative disqualification hearings are governed by this subsection.

(a) The individual alleged to have committed an act of intentional program violation shall be given at least thirty days advance notice of the hearing date.

(b) The notice of hearing shall be served on the individual alleged to have committed intentional program violation by a method which obtains proof of receipt.

(c) The notice of hearing shall comply with WAC 10-08-040 and the notice, and/or the complaint accompanying the notice, shall contain the following information necessary to comply with federal requirements:

(i) The allegations against the individual;

(ii) A summary of the department's evidence and how and where the evidence can be examined;

(iii) A statement that if the individual or his or her representative fails without good cause to appear at the hearing, a decision will be made based solely on the evidence and argument the department presents.

(iv) A statement that the individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for the failure to appear and seeking a new hearing.

(d) The individual, or his or her representative, has the right to one continuance of up to thirty days upon request, provided the motion for the continuance is filed at least ten days in advance of the hearing date.

(e) If the individual alleged to have committed intentional program violation, or his or her representative, fails to appear at the hearing without good cause, the hearing shall be conducted without the individual or representative.

(i) The decision shall be based solely on the evidence and argument the department presents.

(ii) The individual has ten days from the date of the scheduled hearing to file a motion with the presiding officer showing good cause for failure to appear and requesting that the hearing be reinstated.

(f) When the individual appears at the disqualification hearing, the presiding officer shall advise the individual that he or she may refuse to answer questions during the hearing.

(g) The burden of showing intentional program violation is on the department. The burden of proof is clear and convincing evidence.

(h) Within ninety days of the date the individual receives the notice of hearing, the final decision shall be entered.

(3) When a food stamp overpayment allegation is combined with a disqualification allegation, subsections (2) and (3) of this section govern the hearing.

(a) The department may combine a food stamp overpayment allegation and an administrative disqualification allegation into a single hearing when the facts alleged for each arise out of the same or related circumstances.

(b) When the overpayment and disqualification allegations are combined into a single hearing, the department must give the individual alleged to have committed intentional program violation and the person or persons alleged to be liable for the overpayment prior notice. Such notice may be given in the notice or notices of hearing or other written document which appraises the individual that the hearings have been combined.

(c) When the overpayment and the disqualification hearings are combined, the hearing procedures and time frames shall be those applicable to a disqualification hearing.

(d) When the overpayment allegation and the disqualification allegation hearings are combined, the household loses its right to a subsequent fair hearing on the overpayment allegation.

#### AMENDATORY SECTION (Amending Order 1773, filed 3/3/82)

WAC 388-54-820 FAIR HEARINGS—CONTINUATION OF BENEFITS PENDING. (1) The household is entitled to continuation of benefits if:

(a) ~~((t))~~ ~~The household~~ requests a fair hearing within the period specified by the notice of adverse action;

(b) ~~((ts))~~ ~~The household's~~ certification period has not expired;

(c) ~~((T))~~ ~~The household~~ has not waived continuation of benefits;

(d) A certification period expires and the household has made a timely application for a new certification period pending receipt of the fair hearing decision. The department shall determine eligibility on the basis of all eligibility requirements without regard to the matter at issue in the fair hearing.

(2) If a hearing request is not made within the period provided by the notice of adverse action, benefits shall be reduced or terminated as provided in the notice, unless failure to make the request was for good cause. Once continued or reinstated, benefits shall not be reduced or terminated prior to receipt of the hearing decisions unless:

(a) The certification period expires; the household may reapply and may be determined eligible for a new certification period with a benefit amount as determined by the department;

(b) The ~~((hearing examiner))~~ presiding or review officer makes a preliminary determination in writing and at the hearing that ~~((it))~~ good cause is a matter of policy;

(c) A change affecting the household's eligibility or basis of issuance occurs while the hearing decision is pending and the household fails to request a hearing after the subsequent notice of adverse action; or

(d) A mass change occurs while the hearing decision is pending.

(3) The ~~((CSO))~~ department shall promptly inform the household in writing if benefits are reduced or terminated pending the hearing decision.

(4) When benefits are reduced or terminated due to a mass change, participation on the prior basis shall be reinstated only if the issue being contested is ~~((that))~~ food stamp eligibility or benefits were improperly computed or ~~((that))~~ federal law or regulation is being misapplied or misinterpreted by the department.

(5) If the department's action is upheld by the hearing decision, a claim against the household shall be established for all overissuances.

(6) The department shall send an individual notice of the adverse action to each household ~~((that receives))~~ receiving a reduction or termination in benefits during ~~((its))~~ the certification period due to mass changes resulting from implementation of the Food Stamp Act of 1977. The notice of adverse action shall explain to the household ~~((that))~~ the change is the result of changes in federal law and ~~((that))~~ although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes ~~((its))~~ the eligibility or benefits level was computed incorrectly under the new law, or ~~((that))~~ the new law is being misapplied or misinterpreted.

#### NEW SECTION

WAC 388-54-82650 INTENTIONAL PROGRAM VIOLATION DISQUALIFICATION PENALTIES. (1) Intentional program violation after the effective date of this rule is defined as having intentionally:

(a) Made a false or misleading statement or misrepresented, concealed, or withheld facts;

(b) Committed any act constituting a violation of the Food Stamp Act, the food stamp program regulations, or any state statute relating to the use, presentation, transfer, acquisition, receipt, or possession of food stamp coupons or FCAs.

(2) If the act constituting an intentional program violation occurred in whole or in part after notification or application specifying the following penalties, then the following disqualification penalties shall apply:

(a) Six months for the first disqualification;

(b) Twelve months for the second disqualification;

(c) Permanently for the third disqualification;

(d) Intentional program violations occurring prior to specifying these penalties shall be considered as only one disqualification.

(3) Intentional program violation which ended prior to the effective date of this rule consists of any action by an individual or individuals to knowingly, willfully, and with deceitful intent:

(a) Make a false statement to the department, either orally or in writing, to obtain benefits to which the household is not entitled;

(b) Conceal information to obtain benefits to which the household is not entitled;

(c) Alter authorization cards or coupons to obtain benefits to which the household is not entitled;

(d) Use coupons to buy expensive or conspicuous nonfood items;

(e) Use or possess improperly obtained coupons or authorization cards;

(f) Trade or sell coupons or authorization cards.

(4) If the act constituting an intentional program violation ended prior to notice of or signing an application specifying penalties as provided in subsection (2) of this section, then the disqualification penalties shall be three months if disqualification was determined in an administrative hearing.

(5) The department shall disqualify only the individual or individuals involved in intentional program violation and not the entire household.

(6) Court-ordered disqualifications are for the length of time specified by the court:

(a) The department shall recommend to the courts that a disqualification penalty as provided in subsection (2) of this section be imposed

in addition to any other civil or criminal intentional program violation penalties.

(b) The department shall disqualify an individual or individuals found by a court to have committed an act which would constitute an intentional program violation when the court orders disqualification and for the length of time specified by the court. When the court does not specify a date for initiating the disqualification period, the department shall initiate the disqualification period for currently eligible individuals within forty-five days of the date the disqualification was ordered.

(c) The department shall not initiate or continue a court imposed or administratively imposed intentional program violation disqualification period contrary to a court order.

(d) If the court fails to address or specify a disqualification period, the department shall impose a disqualification period as specified in subsection (2) of this section unless the disqualification period is contrary to the court order.

(7) The department shall provide mail notice of disqualification to the household member. The notice shall be provided prior to disqualification whenever possible. The notice shall inform the household member of the disqualification and the date disqualification will take effect. If the individual is no longer participating, the notice shall inform the individual the period of disqualification will be deferred until such time as the individual again applies for and is found eligible for program benefits. The department shall also provide written notice to the remaining household members, if any, of the allotment household members will receive during the period of disqualification or that household members must reapply because the certification period has expired.

#### NEW SECTION

WAC 388-54-829 ADMINISTRATIVE DISQUALIFICATION HEARING WAIVER. (1) Persons suspected of intentional program violation have the right to waive a disqualification hearing. If the household member suspected of intentional program violation signs the waiver of right to an administrative disqualification hearing and the signed waiver is received within the time frames specified by the department, the household member shall be disqualified in accordance with the disqualification periods specified in WAC 388-54-82650.

(2) The department shall provide written notification to the household member suspected of intentional program violation that the member can waive his or her right to an administrative disqualification hearing. The department shall provide the household member a waiver form.

#### NEW SECTION

WAC 388-54-83050 TREATMENT OF INCOME AND RESOURCES OF EXCLUDED MEMBERS. (1) Intentional program violation or workfare sanction. The eligibility and benefit level of the remaining household member or members of a household containing individual or individuals excluded because of intentional program violation shall be determined as follows:

(a) The entire income and resources of the excluded household member or members shall be considered available to the remaining household members, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall continue to apply to the remaining household members.

(b) No household's coupon allotment is increased as a result of the exclusion of one or more household members.

(2) The eligibility and benefit level of the remaining household member or members of a household containing individual or individuals excluded for any other cause shall be determined as follows:

(a) Resources. The resources of such excluded members shall continue to count in the resources entirety to the remaining household members.

(b) Income. A pro rata share of the income of excluded members shall be counted as income to the remaining members.

(c) Deductible expenses. The eighteen percent earned income deduction shall apply to the prorated income earned by excluded members attributing to their households.

(3) Eligibility and benefit level. Excluded members shall not be included when determining the household's size for purposes of:

(a) Assigning a benefit level to the household;

(b) Comparing the household's monthly income with the income eligibility standards; or



(c) Comparing the household's resources with the resource eligibility limits.

#### NEW SECTION

WAC 388-54-850 OVERPAYMENTS. (1) Definitions of overpayments for which recovery action may be taken.

(a) An administrative error overpayment is an overpayment caused solely by department action or failure to act when the household had properly and accurately reported all the household's circumstances to the department.

(b) An inadvertent household error overpayment is an overpayment caused by misunderstanding or unintended error on the part of the household.

(c) An intentional program violation overpayment is an overpayment:

(i) Which a court or an administrative decision determined was caused by fraud or intentional program violation, or

(ii) For which the individual signed a disqualification consent agreement when the case had been referred for prosecution or signed a waiver of right to an administrative disqualification hearing.

(2) Households and household members against which recovery action can be taken.

(a) The department shall take recovery action against a household which was overpaid food stamps.

(b) If the household membership at the time an agency error or inadvertent household error overpayment occurred is not the same when recovery action is to be taken, the department shall take action against the household containing a majority of those who were members at the time the overpayment occurred.

(c) If the household membership at the time an intentional program violation overpayment occurred cannot be determined, the department shall take recovery action against the household containing the individual who committed the act of intentional program violation.

(d) If the department is unable to take recovery action under subsection (2)(a), (b), or (c) of this section, then the department shall take recovery action against the household which contains the person who was the head of the household at the time the overpayment occurred.

(3) Amount of overpayment.

(a) When the department discovers an administrative error or inadvertent household error overpayment occurred in the prior twenty-four months or discovers an intentional program violation in the prior seventy-two months, the department shall calculate the allotment the household should have been authorized.

(i) If the household accurately and timely reports the household's circumstances and changes in circumstances to the department, the calculation shall be based on the day the household's circumstances were reported.

(ii) If the household did not accurately and timely report the household's circumstances and change of circumstances, the calculation shall be based on the household having accurately reported the household's circumstances to the department in the application or on the date the change of circumstances occurred.

(iii) Calculation shall be based on the department having given the household advance notice if such notice would have been required.

(b) The difference between the monthly allotment the household should have been authorized as calculated in subsection (3)(a) of this section and the monthly allotment actually authorized is the amount of the overpayment.

(4) Amount of a household's and/or household member's liability for an overpayment. The difference between the amount of the overpayment calculated in subsection (3)(b) of this section and any food stamp lost benefits incurred prior to writing a letter demanding repayment, which had not previously been restored or used as an offset, is the amount of a household's and/or a household member's liability for an overpayment.

(5) Demand letter. Prior to initiating recovery action, the department shall provide the household member a demand letter.

(6) Methods of recovery. A household or household member may repay an overpayment in a lump sum or sums, in regular installments under a payment schedule agreed upon by the household or member and the department, and/or through reductions in the food stamp allotment.

(a) Lump sum.

(i) A household member may pay all or part of his or her liability for an overpayment in a lump sum.

(ii) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make a lump-sum payment.

(b) Installments.

(i) A household member may use food stamp coupons, money order, check, cash, or any combination thereof to make installment payments.

(ii) If the full liability for the overpayment or overpayments cannot be paid through a lump sum or allotment reduction or reductions, and the remaining amount of liability cannot be repaid in full in installment payments in three years, then the department may compromise the claim by reducing the claim to an amount allowing the household to pay the claim in three years.

(iii) The minimum installment payment schedule the department will agree to with a currently participating household member who is liable for an overpayment caused by inadvertent household error or intentional program violation shall be not less than the amount that could be recovered through allotment reduction.

(iv) When an installment payment schedule has been agreed to by the household member and the department, the amount to be repaid each month shall be that agreed to regardless of subsequent changes in the household's monthly household allotment unless the parties renegotiate the payment schedule and agree on a new payment schedule.

(v) A household member and/or the department may request of the other party that a payment schedule be renegotiated.

(A) The most recent agreed upon payment schedule shall remain in effect until the household member and the department agree to a different schedule.

(B) When a household member requests renegotiation and the department agrees the member's economic circumstances have changed enough to warrant a different schedule, the department shall offer a different schedule and/or consider any reasonable schedule the member offers.

(C) When a household member requests renegotiation and the department determines the member's economic circumstances have not changed enough to warrant a different schedule, the department shall inform the member of this determination and that the most recently agreed upon schedule remains in effect.

(vi) When a household member who has agreed to repay in installments fails to make a payment in accordance with the repayment schedule:

(A) The department shall give notice informing him or her:

(I) No payment or an insufficient payment was received;

(II) The household member may contact the department to discuss renegotiation of the payment schedule; and

(III) Unless the household member makes the overdue payment or payments or contacts the department to discuss renegotiation by a specified date, the allotment of a currently participating household will be reduced without additional notice of the overpayment being recovered was caused by inadvertent household error or intentional program violation.

(B) If the household member fails to make the overdue payments or request renegotiation of the payment schedule and the overpayment was caused by inadvertent household error or intentional program violation, the department shall reduce the food stamp allotment without additional notice.

(C) If the household member responds to the notice by making the overdue payments and wishes to continue the current payment schedule, the department shall permit him or her to do so.

(D) If the household member responds to the notice by requesting renegotiation of the payment schedule, the department shall consider the request.

(E) When the department determines agreement on a new repayment schedule cannot be reached and the overpayment was caused by inadvertent household error or intentional program violation, the department may invoke allotment reductions against a currently participating household.

(c) Reduction in food stamp allotment.

(i) Administrative error overpayment.

(A) For administrative error overpayments, the household member may repay through reduction in the food stamp allotment.

(B) The amount to be recovered each month through a reduction in allotment for an agency error overpayment shall be entirely up to the household member.

(ii) Inadvertent household error overpayment and intentional program violation overpayment. The department shall reduce a currently participating household's food stamp allotment to repay an inadvertent household error overpayment by the greater of ten percent of the



household's monthly allotment or ten dollars per month and for an intentional program violation overpayment by the greater of twenty percent of the entitlement or ten dollars per month.

(A) If the household member and the department are negotiating in good faith for an agreement to repay in installments, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(B) If the household member and the department have made an agreement to repay in installments and the member has made each payment when due, the department shall reduce the household's food stamp allotment only when the household member and the head of the household consent.

(7) The department shall suspend collection action when:

(a) The department determines the household member is financially unable to pay the claim; or

(b) The department determines there is little likelihood that the state can collect or enforce collection of any significant sum from the household member; or

(c) The department cannot locate a liable household member; or

(d) The department determines cost of further collection action is likely to exceed the amount that can be recovered.

(8) After the claim has been held in suspense for three years, the claim shall be terminated.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 388-54-821 COMPLAINTS.
- (2) WAC 388-54-826 FRAUD DISQUALIFICATION—ADMINISTRATIVE FRAUD HEARING DETERMINED.
- (3) WAC 388-54-827 FRAUD ADMINISTRATIVE HEARING—DECISION RENDERING PROCESS.
- (4) WAC 388-54-828 FRAUD DISQUALIFICATION—COURT IMPOSED.
- (5) WAC 388-54-830 TREATMENT OF INCOME AND RESOURCES OF DISQUALIFIED MEMBERS.
- (6) WAC 388-54-835 CLAIMS AGAINST HOUSEHOLDS—NONFRAUD.
- (7) WAC 388-54-840 CLAIMS AGAINST HOUSEHOLDS—FRAUD.

**WSR 83-17-037**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-89—Filed August 11, 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 harvestable numbers of sockeye salmon will have been taken.

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

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

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

APPROVED AND ADOPTED August 10, 1983.

By William R. Wilkerson  
 Director

#### REPEALER

*The following section of the Washington Administrative Code is repealed effective 11:59 p.m. August 15, 1983:*

*WAC 220-57A-17500I LAKE WASHINGTON.  
 (83-81)*

**WSR 83-17-038**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-92—Filed August 11, 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.

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 protection of fall chinook stocks.

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

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

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

APPROVED AND ADOPTED August 11, 1983.

By William R. Wilkerson  
 Director

#### NEW SECTION

*WAC 220-36-02500C CLOSES AREAS—GRAYS HARBOR AND TRIBUTARIES. (1) Effective 6:00 p.m. August 15 through 6:00 p.m. October 2, 1983, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess salmon taken for commercial purposes from the waters of Grays Harbor or from the waters of any tributary of Grays Harbor except those waters of the Chehalis River upstream of the Porter Bridge.*

*(2) Effective 12:01 a.m. September 1 through 11:59 p.m. October 10, 1983, it is unlawful for any fisherman, including treaty Indian fishermen, to take, fish for or possess foodfish taken from the waters of the Chehalis River upstream of the Porter Bridge.*

**WSR 83-17-039**  
**PROPOSED RULES**  
**UTILITIES AND TRANSPORTATION**  
**COMMISSION**

[Filed August 11, 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 relating to telephone company access charges, chapter 480-125 WAC. The proposed chapter was attached to the original Notice of Intention to Adopt, Amend, or Repeal Rules filed with the code reviser in 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);

that the agency will at 8:00 a.m., Wednesday, August 31, 1983, in the Commission's Conference Room, Seventh Floor, 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 80.01.040.

The specific statute these rules are intended to implement is RCW 80.36.160.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 19, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-14-023 filed with the code reviser's office on June 29, 1983.

Dated: August 11, 1983

By: Barry M. Mar  
Secretary

**WSR 83-17-040**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed August 12, 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, amending chapter 388-54 WAC.

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

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 11, 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: Chapter 388-54 WAC, amending WAC 388-54-620, 388-54-760, 388-54-765, 388-54-770, 388-54-775, 388-54-780 and new WAC 388-54-768.

The Purpose of the Rule Changes: To implement monthly reporting for food stamps.

These Rules are Necessary to Implement: The reporting part of the monthly reporting and retrospective budgeting regulations published in interim rule on May 25, 1982.

Statutory Authority: RCW 74.04.510.

The changes require that certain food stamp households report monthly as a condition of eligibility.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jay Emry, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-5401.

These rules are necessary as a result of federal law, 7 CFR 272, 273, 276 and 277.

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-620 APPLICATION AND PARTICIPATION—INTERVIEW. (1) All food stamp households (~~including those submitting applications by mail~~) shall have a face-to-face interview prior to certification or recertification (~~except: Food stamp households where all members are subject to mandatory monthly reporting (MMR) which may, at the option of the department, be excluded from the face-to-face interview requirement at recertification~~). The individual interviewed may be (~~the head of the household, a spouse,~~) any responsible member of the household or an authorized representative. The applicant may bring any person he or she chooses to the interview. (~~The department shall review the information on the application as well as explore and resolve unclear and incomplete information.~~) Households shall be advised of (~~the~~) rights and responsibilities (~~to include the appropriate application processing standards and the household's responsibility to report changes~~).

(2) (~~All food stamp applications from SSI households processed by SSADO are excluded from the department's in-office interview requirement.~~

(~~3~~) Except as provided in WAC 388-54-615(1), all interviews (~~will take place~~) shall be conducted in the certification office (~~except~~

in those cases where an) unless the office visit is waived; then a home visit or telephone interview is required. ((Office visits can be waived:

(a)) (3) Office visits can be waived if the household is unable to appoint an authorized representative and has no ((adult)) responsible member able to visit the office because of hardships such as, but not limited to, illness, lack of transportation, prolonged severe weather, work hours, care of a household member ((or)), remoteness, age sixty-five or over, mental or physical handicap.

((b) If the household is unable to appoint an authorized representative and has no adult member able to visit the office because of age (sixty-five or over), mental or physical handicap.))

(4) ((A)) The department may make a home visit ((shall be used)) only if the time of the visit is scheduled in advance with the household.

#### AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

WAC 388-54-760 CERTIFICATION PERIODS—DURATION. (1) ((Based upon a thirty-day month, the value of the allotment issued to an eligible household for the initial month shall be prorated from the date of application through the end of the month; except no allotment shall be issued of less than ten dollars for the initial month.

(2)) An assistance household shall be assigned a certification period which coincides with the scheduled assistance ((reviews so that the review of the grant and food stamp basis of issuance can be accomplished simultaneously, except:

(a) Food stamp households where all members are subject to mandatory monthly reporting (MMR) may be certified for up to twelve months.

(b) Households whose assistance is authorized for less than six months may be assigned certification periods to coincide with the assistance authorization.

(3) Other households shall be certified for at least three months or assigned the longest certification period possible based on the predictability of the household's circumstances, except as follows:

(a) Certification may be for less than three months when there is a possibility of frequent changes in income or household status:

(i) A household eligible for a certification period of three months or less shall, at the time of certification, have this certification period increased by one month, if the certification process is completed after the fifteenth day of the month of application and the household's circumstances warrant the longer certification period;

(ii) A household with one or more members on strike shall be assigned a certification period of no more than one month if the household is certified before the fifteenth day of the month; otherwise, the maximum certification period shall be for two months unless the department wishes to assign a longer certification period and the household signs a waiver of notice of adverse action.

(b) In situations in which there is little likelihood of changes in financial situation and household size, the household may be recertified for up to six months)) review.

(2) Nonassistance households consisting solely of migrants and/or seasonal farmworkers shall be assigned a certification period of three months or less.

((c)) (3) ((A household consisting solely of unemployable persons with very stable income from retirement, disability payments or similar sources)) Households without earned income and all members are at least sixty years of age or receive SSA or SSI may be certified up to twelve months((, provided that other household circumstances are expected to remain stable)).

((d) A household whose primary source of income is from self-employment, farm operations or farm employment may be certified up to twelve months, provided income can be readily predicted and household circumstances are not likely to change. A household with additional income from other sources shall be assigned a certification period in accordance with subsection (3) (a), (b), and (c) of this section.))

(4) All other households shall be assigned certification periods of six months.

#### AMENDATORY SECTION (Amending Order 1720, filed 11/18/81)

WAC 388-54-765 CERTIFICATION PERIODS—NOTICES TO HOUSEHOLDS. (1) ((The applicant household shall be provided with one of the following written notices as soon as determination is made but no later than thirty days after the date of initial application:

(a) Notice of eligibility. Written notice containing the amount of the allotment, beginning and ending dates of the certification period, the

right to a fair hearing, an information phone number and information regarding free legal representation.

(b) Notice of denial. Written notice explaining basis for denial, right to a fair hearing, information phone number and information about free legal services.

(c) Notice of pending status. Written notice informing the household that its application is still being processed; whether some action by the household is needed to complete the application, what this action is, and that the application will be denied if the household fails to take the required action within sixty days of the date the application was filed)) A written notice of eligibility, denial, or pending status shall be provided to all applicant households as soon as a determination is made but not later than thirty days after the date of initial application.

(2) ((Notice of adverse action. Prior to any action to reduce or terminate a household's benefits within the certification period the department shall provide notice to the household at least ten days prior to the action)) The department shall notify certified households prior to effecting any change in benefit levels except as provided in subsection (2)(c) of this section.

(a) ((This notice shall include:

(i) The proposed action and reason for the action;

(ii) The household's right to a fair hearing;

(iii) An information telephone number;

(iv) The availability of continued benefits;

(v) The liability for any overissuances received while awaiting a fair hearing if the decision is adverse to the household;

(vi) Notice of availability of free legal services)) Households shall be given at least ten days advance notice prior to any action to reduce or terminate benefits within the certification period except as provided in subsections (2)(b) and (2)(c) of this section.

(b) For changes reported on the monthly status report as part of food stamp monthly reporting, the department shall notify households by the date benefits are to be received or in place of the benefits.

(c) ((A notice of adverse action is)) Advance notice shall not be required when:

(i) Mass changes are made by federal or state government((, except as provided for in subdivision (c) of this subsection));

(ii) The department determines that the members of a household have died;

(iii) The household has moved from the ((project area)) state;

(iv) Restoration of lost benefits is completed and the household was previously notified in writing of when the increased allotment would terminate;

(v) Allotment varies from month to month and the household was notified at the time of certification that these changes would be made;

(vi) If the household experiences reduction in benefits upon approval of a PA grant and was so notified at the time of application;

(vii) A household member is disqualified for ((fraud)) intentional program violation or the benefits of the remaining household members are reduced or terminated to reflect the disqualification of that household member((;

(viii) The household contains a member subject to a strike and signs a waiver of its right to notice of adverse action for purposes of receiving a longer certification period than is otherwise allowed for such households.

(c) A notice of adverse action will be required because of mass changes resulting from the implementation of the Food Stamp Act of 1977. The department shall send an individual notice of adverse action to each household that receives a reduction or termination in benefits during its certification period due to these regulations. The notice of adverse action shall explain to the household:

(i) That the change is the result of changes in federal law;

(ii) That although the household has the right to request a fair hearing, benefits will be continued pending the fair hearing only if the household believes its eligibility or benefit level was computed incorrectly under the new law, or that the new law is being misapplied or misinterpreted;

(d) Instead of an individual notice, the department shall send a general notice to all or part of the food stamp caseload when new eligibility rules are matched by computer with current history file information.

The general notice shall explain that the cause of the allotment change, if any, is the Food Stamp Act of 1977, and the circumstances for continuing or reinstating the household's former level of benefits as in an individual notice. The general notice shall be sent no later than

the allotment of ATP that adjusts the household's benefits to the new program)).

#### NEW SECTION

WAC 388-54-768 FOOD STAMP MONTHLY REPORTING. (1) As a condition of continuing eligibility for food stamps, each recipient subject to food stamp monthly reporting must return to the department a completed monthly status report (MSR) by the fifth day of the month following the month for which the MSR describes the household circumstances.

(2) Failure to return a completed MSR by the fifth day of the month shall result in termination, except as provided in subsection (3) of this section.

(3) If the recipient furnishes the completed report to the department by the compliance date, the department shall:

- (a) Accept the monthly status report; and
- (b) Continue food stamps if the information on the monthly status report indicates the recipient is still eligible.

#### AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-770 CERTIFICATION PERIODS—HOUSEHOLDS RESPONSIBILITY TO REPORT. (1) Certified households ~~((are required to))~~ subject to a monthly reporting requirement shall report as specified in WAC 388-54-768.

~~(2) All other certified households shall report changes within ten calendar days of the date the change becomes known to the household. Reporting may be by telephone, mail, or personal contact.~~

~~(3) Certified households subject to the reporting requirement of subsection (2) of this section shall report the following changes in circumstances:~~

- ~~(a) Changes in gross monthly income of more than twenty-five dollars and source of income, except changes in public assistance grants.~~
- ~~(b) All changes in household composition such as addition or loss of a household member.~~
- ~~(c) Changes in residence and the resulting change in shelter costs.~~
- ~~(d) The acquisition of a licensed vehicle not fully exempt under WAC 388-54-717.~~
- ~~(e) When nonexempt liquid resources reach or exceed one thousand five hundred dollars. (See WAC 388-54-715(1)(a)).~~
- ~~(f) A change of more than twenty-five dollars for deductible medical expense.~~

~~((2) Certified households shall report changes within ten calendar days of the date the change becomes known to the household. Reporting may be by telephone, mail or personal contact.~~

~~((3)) (4) Applying households shall report changes related to food stamp eligibility and benefits at the certification interview. Changes, as provided in subsection ((4)) (2) of this section, which occur after the interview but before the date of the notice of eligibility, shall be reported by the household within ten days of the date of notice.~~

~~((4)) (5) Changes shall be considered to be reported by the household on the date the report is received by the CSO or if mailed the date the household's report is postmarked.~~

~~((5) Individuals shall not be disqualified for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.~~

- ~~(6) The client is entitled to receive:~~
  - ~~(a) A change report form at the time of initial certification;~~
  - ~~(b) Acknowledgment of receipt of a notice of change given by the client to the department pursuant to subsection (2) of this section;~~
  - ~~(c) Notification of the amount of change in the allotment if the reported change results in such an adjustment;~~
  - ~~(d) Notification of any additional verification requirements brought about by the reported change of circumstances;~~
  - ~~(e) Notification that failure to provide required verification within ten days will result in delay of increased benefits;~~
  - ~~(f) A new change report form when a change has been reported;))~~
- ~~(6) Public assistance households which report a change in circumstances for grant purposes shall be considered to have reported the change for food stamp purposes.~~
- ~~(7) Changes reported to the department shall be documented in the case record.~~

#### AMENDATORY SECTION (Amending Order 1653, filed 5/20/81)

WAC 388-54-775 CERTIFICATION PERIODS—EFFECTING CHANGES DURING. (1) ~~((For))~~ Changes ~~((which result in))~~

occurring in the initial beginning month or changes for households consisting solely of migrants and/or seasonal farmworkers shall be effective as follows:

~~(a) Except as provided in subsection (1)(b) of this section, an increase in benefits ((the department will make the change)) shall be effective not later than the first allotment issued ten days after the change was reported to the department, provided that the household has furnished the required verification ((within ten days)). ((The time frames shall run from the date the change was reported, not from the date of verification.)) If verification is not provided within ten days from the date the change was reported, the increase in benefits shall be effective not later than the first allotment issued ten days after the verification is provided.~~

~~((2)) (b) ((For changes which result in)) An increase in a household's benefits due to the addition of a new household member who is not a member of another certified household, or due to a decrease of fifty dollars or more in the household's gross monthly income((the department shall:~~

~~(a) Make the change effective not later than the first allotment issued ten days after the date the change was reported, except that;~~

~~(b) In no event shall these changes take effect any later than)) shall be effective the month following the month in which the change is reported.~~

~~((3) If the household's benefit level decreases or the household becomes ineligible as a result of the change, the department will take the following action:~~

~~(a) Issue a notice of adverse action within ten days of the date the change was reported;~~

~~(b)) (c) ((The decrease)) Decreases in the benefit level shall be made effective with the first allotment ((to be issued)) after the ten-day notice of adverse action has expired, provided a fair hearing and continuation of benefits have not been requested.~~

~~((4) If the department discovers that the household has failed to report a change as required and has received benefits to which it was not entitled, the department shall file a claim against the household for the amount of the overpayment.~~

~~Individuals shall not be terminated for failing to report a change, unless the individual is disqualified in accordance with the fraud disqualification procedures.~~

~~(5) Public assistance households which report a change in circumstances to the department shall be considered to have reported the change for food stamp purposes.~~

~~(6) Changes reported to the department pursuant to WAC 388-54-770(2), whether they result in an increase, decrease or no change in the allotment amount shall be documented in the case records as to:~~

- ~~(a) Date received; and~~
- ~~(b) Circumstances;~~
- ~~(7)) (2) ((If the department fails to take action on reported changes as specified in subsection (1) of this section, restoration of lost benefits shall be provided to the client)) All other changes from a report month shall be effective in the corresponding payment month in the food stamp monthly reporting cycle.~~

#### AMENDATORY SECTION (Amending Order 1956, filed 4/6/83)

WAC 388-54-780 RECERTIFICATION PROCESS. (1) ~~((If the household makes timely application, recertification shall be completed prior to the expiration of the current certification period to give members opportunity to participate in a normal issuance cycle the month following:~~

~~(2) A)) The department shall provide a notice of expiration ((must be provided)) to ((the)) all eligible households ((except for joint PA applicant households.)) as follows:~~

~~(a) Not earlier than fifteen days prior to, and not later than, the first day of the household's last month of certification, for households certified over a multimonth period; or,~~

~~(b) At the time of certification, if the household is certified for one month, or initially certified for two months during the month after the month of application.~~

~~((c) The notice shall contain:~~

- ~~(i) The date the current certification ends;~~
- ~~(ii) The date the household must file to receive uninterrupted benefits;~~

~~(iii) The household's right to request an application and have the department accept an application so long as it is signed and contains a legible name and address;~~

~~(iv) The address of the office where the application must be filed;~~

~~(v) The consequences of failure to comply with the notice.~~

(vi) ~~The right to file through an authorized representative or through the mail.~~

(vii) ~~The requirement to participate in a face-to-face recertification interview.~~

(viii) ~~The right to a fair hearing.~~

~~(d))~~ (2) A household provided a notice of expiration at the time of certification has fifteen days from the date the notice is received to ~~(apply)~~ timely reapply. All other households must apply by the fifteenth day of the last month of certification to be considered timely.

(3) A household certified for one month that has applied in a timely manner ~~((and has been determined eligible shall experience no interruption in benefits.~~

~~(a) Those provided notice at time of certification)) shall be notified of ((their)) the household's status and if eligible provided an opportunity to participate not later than thirty days after the date the household had an opportunity to obtain its last allotment. ((fb) Those applying by the fifteenth day of the last month of their certification period)) All other households having timely reapplied shall ~~((be))~~ have their application approved or denied and be notified of ((their)) the household's status by the end of ((their)) the current certification period and if eligible permitted to participate in ((their)) the normal issuance cycle.~~

~~((c) Those households which through department error were not recertified in time to participate in their normal issuance cycle shall be given immediate opportunity to do so even outside of the normal issuance system.))~~

(4) ~~((Households not able to participate in accordance with subsection (3) of this section through department error shall be entitled to restoration of lost benefits if their benefits were interrupted.~~

(5)) A household ~~((which fails))~~ failing to submit a timely reapplication for recertification or appear for a face-to-face interview scheduled after a timely reapplication, without good cause, shall lose its right to uninterrupted benefits.

~~((a) A household which refuses to cooperate in providing required information or refuses to cooperate in any subsequent review of its eligibility, including a quality control review, shall be denied.~~

~~(b) An application for recertification submitted after the end of the current certification period shall be treated as an initial certification except that previously verified income or expenses which change by twenty-five dollars or less shall not be verified if the application is received within thirty days after the previous certification period expires.~~

(6) ~~If a household's failure to apply in a timely manner was with good cause, the department will restore to the household the lost benefits, if there was interruption of benefits. Determination of good cause shall be made on a case-by-case basis and shall include, but not be limited to, failure to receive timely notice of expiration or personal illness.))~~

**WSR 83-17-041**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed August 12, 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 AFDC—Eligibility, amending chapter 388-24 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on August 23, 1983;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 41, Laws of 1983 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 11, 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: Chapter 388-24 WAC.

Purpose of the Rule Change: To restore the AFDC-E program to eligible persons.

The Reason These Rules are Necessary: To comply with chapter 41, Laws of 1983 1st ex. sess.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Assistance will be provided to two-parent household with employable parents. If unmarried, paternity must have been established by court order.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Betty Brinkman, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-4908.

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

AMENDATORY SECTION (Amending Order 1856, filed 8/6/82)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. Effective August 23, 1983, AFDC shall be granted in behalf of a needy child:

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

(a) ~~((Effective October 1, 1981;))~~ AFDC may be granted on behalf of an unborn child, provided there is medical confirmation ~~((that))~~ the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a written statement from a licensed medical practitioner confirming pregnancy and the expected date of birth.

(b) AFDC shall be continued through the month the child reaches the maximum age.

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington — see WAC ~~((388-26-050))~~ 388-26-055 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent — see WAC 388-24-055 through ~~((388-24-070))~~ 388-24-074. If unemployment of a parent or stepparent is the basis of deprivation, all provisions of WAC 388-24-074 apply;

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC ~~(388-24-065(6))~~ 388-24-065(12);

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

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

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

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

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

(9) ~~((Effective January 1, 1982;))~~ Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached.

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

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

#### AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. Effective August 23, 1983:

(1) Eligibility for AFDC or refugee assistance does not exist when any ~~((caretaker relative))~~ parent or stepparent with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible ~~((caretaker))~~ parent or stepparent and siblings will be determined without regard to the needs of a child in the home who, on the last of the month, is participating in a strike.

(4) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

#### AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. Effective August 23, 1983: AFDC is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of persons residing together as follows:

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

(a) The eligible ~~((child(ren)))~~ child or children; and

(i) The eligible natural ~~((or))~~ parent or parents, if married (only the qualifying parent is eligible if unmarried, even if paternity has been established), or paternity has been established by a court order (this includes a paternity and consent order notarized and filed with vital statistics for uncontested cases), adoptive ~~((parent(s)))~~ parent or parents, or ~~((stepparent(s)))~~ stepparent or stepparents, with whom the ~~((child(ren) lives))~~ child or children live; or

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

(b) The eligible child or children and one parent, if both natural, unmarried parents are living together, but paternity has not been established by a court order.

~~((b))~~ (c) Only the eligible ~~((child(ren)))~~ child or children when:

(i) The ~~((child(ren)'s parent(s)))~~ child or children's parent or parents is not eligible; or

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

(iii) The ~~((child(ren) lives))~~ child or children live with a needy non-responsible relative of specified degree ~~((who receives))~~ receiving SSI; or

~~((iv))~~ The ~~((child(ren) is))~~ child or children are a recipient of AFDC-FC~~((;))~~.

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

~~((d))~~ (e) Only the eligible ~~((parent(s)))~~ parent or parents when the only child is unborn.

(2) Two assistance units are necessary when:

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

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

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

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

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

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

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

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

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

WAC 388-24-055 AID TO FAMILIES WITH DEPENDENT CHILDREN—REGULAR—DEPRIVATION OF PARENTAL SUPPORT OR CARE. Effective August 23, 1983:

(1) "Parent" as used in this and following sections means a natural or adoptive parent or stepparent.

(a) An adoptive parent has the same rights and responsibilities as a natural parent in respect to the adopted child.

(b) A stepparent, legally married to a child's parent has the same rights and responsibilities as a natural parent for the care and support of his or her stepchild. See WAC 388-28-350.

(2) A child deprived of parental support or care may or may not be in financial need. Need is a factor to be determined separately.

(3) Deprivation of a child of unmarried parents when paternity has been established by a court order is determined on the same basis as a child of married parents.

(4) A child living with a parent and an individual assuming the role of spouse of the parent is deprived because of the absence or death of the other natural or adoptive parent. The responsibility of the ~~((assumptive))~~ presumptive spouse to support the child is a financial need factor only - see WAC 388-28-355. Also see WAC 388-24-108 through 388-24-114 in respect to support from the absent parent.

#### AMENDATORY SECTION (Amending Order 1907, filed 11/17/82)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN—REGULAR—DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. Effective August 23, 1983:

(1) Determination whether a child has been deprived of parental support or care is made in relation to a child's natural parent or parents, if married, or paternity has been established by a court order, adoptive parent, or stepparent, and the term parent as used in this section refers to any of those relationships.

(2) Continued absence of a parent from the home establishes deprivation of parental support or care when:

(a) The parent is living out of the home in which the child resides, and

(b) The nature of the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of his or her function in planning for the present support or care of the child.

(3) Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following are examples of situations (~~which are~~) considered to meet this requirement:

(a) Absence as the result of legal action;

(i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.

(ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he or she lives.

(iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

(b) Absence due to separation, desertion, or abandonment;

(i) There is a clear disassociation of one or both parents from their normal family relationship.

(ii) If the separation, desertion, or abandonment has existed at least thirty days prior to application and there is no indication (~~that~~) the absence will not continue, deprivation is considered established.

(iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the CSO showing the absence can be expected to continue. The type of information and basis of determination must be documented in the case record.

(iv) If application is made by a nonresponsible relative on behalf of a child who has not been placed in his or her custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC 388-24-114 shall apply.

(c) Absence of unmarried parents when paternity has been established by a court order;

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in subsection (3)(b) of this section.

(d) Absence due to other reasons:

(i) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

(ii) Parent has been deported.

(iii) Parent has been convicted of an offense and has been required by the court to perform unpaid work or community service during the workday while being permitted to reside in the family home.

(A) The basis of deprivation will be continued absence, and the needs of the convicted parent will not be included in the determination of eligibility or the payment of the family grant.

(B) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500.

(4) The rules in this section shall apply to applications which are pending and/or made on or after October 1, 1982, and to recipients when case actions occur or when a periodic desk review is completed on or after October 1, 1982.

#### NEW SECTION

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE-DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. Effective August 23, 1983, to be eligible for AFDC-E, an applicant shall be a child whose qualifying parent meets the requirements in this section.

(1) The qualifying parent is that parent earning the greater amount of income in the last twenty-four month period, the last month of which immediately precedes the month in which the application for assistance is filed.

(a) If the client and CSO cannot secure verification of earnings for this period, the CSO shall designate the qualifying parent using the best evidence available.

(b) The earnings of both parents are considered in determining the qualifying parent, regardless of when the relationship began.

(c) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance based on the current application.

(d) If both parents earned an identical amount of income, the CSO shall designate the qualifying parent.

(2) The child must be deprived of parental care and support because of the unemployment of a natural parent, if married or paternity has been established by a court order, adoptive parent, or stepparent who satisfies all the requirements in this section to qualify the assistance unit.

A parent or stepparent is considered to be unemployed when:

(a) He or she is employed less than one hundred hours a month, or

(b) He or she exceeds that standard for a particular month if his or her work is intermittent and the excess is of a temporary nature as evidenced by the fact he or she was under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month.

(3) The qualifying parent or stepparent must have been unemployed as defined in subsection (2) of this section for at least thirty days prior to the date AFDC-E is authorized.

When AFDC-E is terminated due to full-time employment of the unemployed parent or stepparent, no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(4) The qualifying parent or stepparent must not have refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty-day period.

(5) The child must meet the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.

(6) The child's parent or stepparent:

(a) In WIN areas:

(i) Must be registered for the WIN/E&T program unless exempted by WAC 388-24-107, and

(ii) Must be registered for employment with the local DES office, if exempt for WIN/E&T by WAC 388-24-107;

(b) In non-WIN areas:

(i) Must be registered for employment with the local DES office, and

(ii) Is registered for E&T unless exempted by WAC 388-24-107.

(7) The qualifying parent or stepparent, if eligible for unemployment compensation, has not refused to apply for or accept such compensation.

(8) The qualifying parent or stepparent:

(a) Has had six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he or she earned income of not less than fifty dollars, or in which he or she participated in the work incentive (WIN) program or community work experience program (CWEP). A "calendar quarter" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or

(b) Within one year prior to his or her application received or would have been eligible to receive unemployment compensation had he or she applied; or if the employment which he or she had was not covered under the unemployment compensation law of the state or the United States, his or her work history was such that had his or her employment been covered, he or she would have been eligible.

(9) The qualifying parent or stepparent:

(a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.

(b) In WIN areas is registered for and accepts the services defined in subsection (9)(a) of this section if not accepted into a WIN component.

(10) The child must be living with both natural parents, if married or paternity has been established by a court order, adoptive parents, or a parent and stepparent except that one may be temporarily absent to search for employment with the expectation of continuing to live with the family.



(11) AFDC will not be denied or terminated solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.

(12) The rules in this section are effective July 1, 1983.

#### AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-090 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—EMPLOYMENT OR TRAINING. Effective August 23, 1983:

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

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

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

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

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

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

#### AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E—REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. Effective August 23, 1983:

(1) As a condition of eligibility for AFDC, every individual shall register for and participate in the WIN or employment and training (E&T) program and/or the intensive applicant employment services project (~~(and participate for the maximum of thirty days)~~) unless such individual is:

(a) A dependent child under age sixteen or age sixteen but not yet nineteen and is (~~(enrolled as)~~) attending full time, or has been accepted for enrollment as (~~(;)~~) a full-time student for the next school term, in (~~(a)~~) an elementary or secondary school, or the equivalent level of vocational or technical training, and reasonably expected to complete such course (~~(during)~~) prior to the end of the month he or she reaches nineteen;

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

(i) Temporary illness or incapacity provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

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

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

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

(e) A parent or other needy caretaker relative of a child under the age of six (~~(who is)~~) personally providing full-time care for the child, with only very brief and infrequent absences from the child (~~(-or-)~~); This exemption does not apply if the caretaker is either a full-time day student as defined by the school, or is regularly absent from the child on week days a total of thirty hours or more per week. For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, this exemption is allowed only to a parent

or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application. This does not apply to AFDC-E.

(f) A person employed at least thirty hours per week.

(g) A woman in the third trimester of pregnancy.

(h) The parent of a child when the other parent or stepparent is in the home and is not exempted by subsection (1)(a), (b), (c), (d), (e), (f), or (g) of this section.

(2) (~~(For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, exemption is allowed only to a parent or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application, except for those applicants/recipients residing in an area subject to the job search requirement of eight weeks.~~)

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

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

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

(6) When an AFDC recipient classified as exempt from WIN/E&T registration reports any change affecting the exempt status, he or she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware an AFDC recipient's exempt status has changed. Then the recipient shall be notified he or she shall be registered within thirty days.

(7) The department's financial service unit shall determine which AFDC applicants or recipients are exempt from registration and which are required to register as a condition of eligibility.

#### AMENDATORY SECTION (Amending Order 1783, filed 4/1/82)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC—LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. Effective August 23, 1983:

(1) Relationship of child to relative:

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

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

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

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

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

(b) A child eligible for AFDC-E must be living with both natural parents, if married, or adoptive parents, or a parent and stepparent. A child of unmarried parents is included if paternity has been established by a court order. In order to determine members of the assistance unit, see WAC 388-24-050 also.

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

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

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

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



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

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

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

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

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

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

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

(C) Enrollment on or after September 1, 1981, in an Indian boarding school administered through the Bureau of Indian Affairs.

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

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

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

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

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

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

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

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

(i) The caretaker relative is otherwise eligible,

(ii) The child is returned to the relative's home before the end of ~~((that))~~ the thirty-day assistance period,

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in ~~((that))~~ the same thirty-day period.

#### AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. Effective August 23, 1983:

(1) When deprivation due to incapacity or absence ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death or incapacity after deprivation due to absence ceases, assistance will be discontinued at the end of the calendar month in which deprivation due to absence ceases unless one of the parents qualifies the assistance unit for AFDC-E.

#### AMENDATORY SECTION (Amending Order 1704, filed 9/25/81)

WAC 388-24-265 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—ELIGIBLE PERSONS. Effective August 23, 1983:

(1) CEAP shall be provided when the child:

(a) Is under eighteen years of age, and

(b) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or

(c) Has lived with such relative within the six months prior to the month in which assistance is requested;

(d) Is in emergent need and the need is not due to his or her or such relative's refusal without good cause to accept employment.

(2) The following ~~((are eligible for emergency assistance))~~ may be included in the assistance unit:

(a) The ~~((child(ren)))~~ child or children under the age of eighteen.

(b) Both parents, if married or if paternity has been established by court order. Otherwise, only the mother shall be included.

~~((fb))~~ (c) The needy caretaker relative or relatives with whom the ~~((child(ren) lives))~~ child or children live.

~~((ft))~~ (d) Migrant workers with dependent children.

~~((td))~~ (e) The ~~((parent(s)))~~ married parents of an unborn child when pregnancy is confirmed. If unmarried, only the mother shall be included.

~~((te))~~ (f) A child under the age of eighteen not currently living in the home of a relative, if he or she qualifies under WAC 388-24-255(3).

~~((tf))~~ (g) Children and families not eligible for assistance because of their alien status.

(3) Emergency assistance:

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

(b) Shall be utilized for applicants from another state only when such individuals are:

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

(ii) They have decided to become residents.

#### WSR 83-17-042

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 83-90—Filed August 12, 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.

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, 6C, 7, and 7A provide protection for summer-fall chinook during IPSFC sockeye and pink management. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and Strait of Juan De Fuca tributaries provide protection for local chinook stocks. Restrictions in Area 13A and Minter Creek provide protection for spring chinook returning to Minter

Creek Hatchery. Restrictions in Area 12C provide protection for summer-fall chinook and pink salmon returning to Hoodspout Hatchery. Restrictions in Areas 6B, 7B, 8, 8A, 9, 10, 11, 11A, 12, 12B, 13, Nooksack, Puyallup, Nisqually, Snohomish, and Stillaguamish rivers provide protection for weak Puget Sound pink stocks. Restrictions in 10B, 10C, 10D, Cedar River are the least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye. Closures of Area 8 and the Skagit River are necessary to protect summer-fall chinook and pink salmon.

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

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

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

APPROVED AND ADOPTED August 12, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-28-311 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, and 6C - Effective through September 3, drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6 and 6A - Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6B and 9 - Effective through September 10, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 6D and Dungeness River - Effective through September 24, closed to all commercial fishing.*

*Areas 7 and 7A - Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Area 7B - Effective through August 25, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 7C - Closed to all commercial fishing.*

*\*Area 8 - Effective through 8:00 AM August 14, gill net gear restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited. Effective 8:00 AM August 14 through September 10, closed to all commercial fishing.*

*Area 8A - Effective through September 10, gill net gear restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited.*

*Areas 10, 11, and 11A - Effective through September 10, gill nets restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.*

*Area 10B - Effective through September 24, gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open.*

*Area 10C - Closed to all commercial fishing through December 31.*

*Area 10D - Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing through December 31.*

*Areas 12 and 12B - Effective through September 3, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 12C - Effective through September 30, closed to all commercial fishing within 1,000 feet of the western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park.*

*Area 13 - Effective through October 1, excluding that portion north of a line from Green Point on the eastern shoreline of Carr Inlet to the flashing signal beacon #4 on the west shoreline, gill net gear is restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited.*

*Area 13A - Effective through August 15, 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.*

*Cedar River - Closed to all commercial fishing through December 31.*

*Nooksack River - Mouth to Marietta Bridge, effective through August 25, commercial net gear restricted to 7-inch minimum mesh, when open; Marietta Bridge to the confluence of the north and south forks, effective through September 1, gill net gear restricted to 7-1/2-inch minimum mesh, when open; upstream of the confluence of north and south forks, closed to all net gear. Puyallup River - Effective through September 10, gill nets restricted to 7-1/2-inch minimum mesh, when open.*

*Minter Creek - Closed to all net gear through August 15.*

*\*Nisqually River – Effective August 14 through September 24, gill net gear restricted to 7-1/2" minimum mesh, when open.*

*Stillaguamish and Snohomish rivers – Effective through September 10, gill net gear restricted to 7-1/2" minimum mesh, when open.*

*\*Skagit River – Upstream of the Baker River confluence and all Skagit tributaries, closed to all commercial fishing. Effective 8:00 AM August 14 through September 10, entire Skagit River closed to all commercial fishing.*

*Samish River – Closed to all commercial fishing.*

*Elwha, Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks – Effective through September 24, closed to all commercial fishing.*

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-310 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-87)

#### **WSR 83-17-043**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 83-91—Filed August 12, 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.

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, 6C, 7, 7A provide protection for Canadian and Puget Sound chinook during sockeye and pink fisheries under the direction of IPSFC. Openings in Areas 7B, 8A, and 12 provide opportunity to harvest non-Indian chinook allocations. All other areas are closed to prevent overharvest. Troll restrictions in Areas 4B, 5, 6C provide protection for chinook and coho stocks.

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

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

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

APPROVED AND ADOPTED August 12, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-47-804 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear is restricted to 5-7/8-inch maximum mesh, when open. It is unlawful to possess or land troll-caught chinook and coho harvested in Area 4B when trolling is allowed under IPSFC fishing regulations. Additionally, troll gear is restricted to bare, blued hooks and flashers when trolling is allowed under IPSFC regulations.

Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open. Additionally, it is unlawful to land troll-caught chinook and coho harvested in Areas 5 and 6C.

Areas 6, 6A, 7, and 7A – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Area 7D – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce.

\*Area 7B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 15 through the morning of August 18. That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeast tip of Guemes Island is closed as provided in WAC 220-47-307.

\*Area 8A, – Closed except gill nets with 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 15 through the morning of August 18. The Port Gardner Preserve and the waters of Port Susan are closed as provided in WAC 220-47-307.

\*Area 12 – Closed except gill nets with 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 15 through the morning of August 18. That portion of Area 12 near the mouth of Big Beef Creek is closed as provided in WAC 220-47-307.

Areas 6B, 6D, 7C, 8, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12A, 12B, 12C,

12D, 13, 13A, 13B, and all freshwater areas  
- Closed.

### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-803 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-86)

**WSR 83-17-044**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-93—Filed August 12, 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.

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 and allows a monitored experimental 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 August 12, 1983.

By Russell W. Cahill  
for William R. Wilkerson  
Director

### NEW SECTION

WAC 220-24-02000X **LAWFUL ACTS—TROLL FISHERY** Notwithstanding the provisions of WAC 220-24-010, 220-24-020, and 220-24-030, effective immediately until further notice it is unlawful to take, fish for or possess salmon taken for commercial purposes in the waters of the Pacific Ocean except as provided in this section:

(1) Effective immediately through August 20, 1983, it is lawful to take pink salmon and sockeye salmon only in those waters northerly of a line drawn due west from Carroll Island using terminal gear consisting of bare blued hooks trolled with or without flashers. For purposes of this subsection, a "bare blued hook" is defined as a

hook made of blue steel or a hook that is entirely blue in color to which no material or bait is attached, and no material, bait, or attractants of any kind may be attached to the line ahead of the blued hook.

(2) Effective immediately through August 22, 1983, it is unlawful to have in possession or land in any Washington State port chinook salmon or coho salmon northerly of a line drawn due west from Point Brown except that the following vessels may possess and sell coho salmon taken during monitored fishing through August 21:

- (a) Lena J
- (b) Thelma
- (c) Neptune
- (d) Mis-Fit
- (e) Starlite

**WSR 83-17-045**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Memorandum—August 12, 1983]

The regularly scheduled monthly Personnel Board meeting for the month of September 1983, has been rescheduled from Thursday, September 8, 1983, to Monday, September 12, 1983.

Because there will not be a Personnel Board meeting in October 1983, the deadline for submission of items to be presented at the November 1983, meeting will also be September 12, 1983.

**WSR 83-17-046**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed August 15, 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 designations.
- Amd WAC 356-15-030 Overtime provisions and compensation.
- Amd WAC 356-18-070 Sick leave—Reporting—Payment;

that the agency will at 10:00 a.m., Monday, September 12, 1983, in the Personnel Board Hearings 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 September 8, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-14-013 filed with the code reviser's office on June 28, 1983.

Dated: August 12, 1983

By: Leonard Nord  
Secretary

**WSR 83-17-047**  
**ADOPTED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
[Order 83-03—Filed August 16, 1983]

I, Karen Rahm, director of the Planning and Community Affairs Agency, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the allocation of single family housing bonds among local housing agencies.

This action is taken pursuant to Notice No. WSR 83-13-113 filed with the code reviser on June 22, 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 section 20, chapter 161, 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 July 26, 1983.

By Karen Rahm  
Director

Chapter 365-70 WAC

**ALLOCATING SINGLE FAMILY HOUSING  
BONDS AMONG LOCAL HOUSING AGENCIES**

NEW SECTION

WAC 365-70-010 ~~DEFINITIONS~~. (1) "Act" means E2SSB No. 3245, chapter 161, Laws of 1983.

(2) "Agency" means the planning and community affairs agency.

(3) "Code" means the Internal Revenue Code of 1954, as amended, and regulations promulgated thereunder.

(4) "Commission" means the state housing finance commission.

(5) "Local housing agency" means any municipal corporation or other entity authorized under state law to issue bonds for the financing of single family housing in accordance with Section 103A of the code.

(6) "Distribution date" means the date by which the director of the agency will make the allocation of single housing family bonds among local housing agencies.

NEW SECTION

WAC 365-70-020 ~~APPLICATIONS~~. (1) Any local housing agency which intends to issue bonds within a

calendar year for the financing of single family housing in accordance with the code, shall submit an application to be received by the agency no later than January 1 of such year: PROVIDED, That for calendar year 1983 such application shall be received no later than July 1, 1983.

(2) Such application shall contain the following information: (i) The jurisdiction served by the applicant and the population of such jurisdiction; (ii) the amount of bonds intended to be issued during the calendar year; (iii) the amount of housing to be supplied as a result of such financing; (iv) a description of the housing and financing proposed; (v) a statement regarding the likelihood of completing such financing during the calendar year (reference should be made to the existence of bond purchase contracts or other documentation already executed or scheduled to be executed); (vi) a statement regarding the consistency of the project(s) with the plan of the commission, if available; (vii) a statement concerning coordination with other applicable federal and state programs; (viii) any other information the applicant believes is pertinent to the agency's decision to grant an allocation distribution.

NEW SECTION

WAC 365-70-030 ~~DISTRIBUTIONS~~. The director of the agency shall make a distribution of all or a portion of the allocation of single family housing bonds available to local housing agencies pursuant to the act and the code. Such distribution shall be made by the director no later than February 1: PROVIDED, That for 1983 it shall be made no later than September 1, 1983. The distribution shall be announced in writing, mailed to each applicant and copies thereof made available by the director to all interested parties.

NEW SECTION

WAC 365-70-040 ~~CRITERIA FOR DISTRIBUTION~~. In determining such distribution the director shall attempt to make available to local housing agencies and the commission the maximum amount of housing financing allocable pursuant to the code and the act. The director shall specifically consider:

(1) The amount of housing to be made available by each applicant;

(2) The population within the jurisdiction of each applicant;

(3) Coordination with other applicable federal and state housing programs;

(4) The likelihood of implementing the proposed financing during that year; and

(5) Consistency with the plan of the commission, if available.

NEW SECTION

WAC 365-70-050 ~~1983 DISTRIBUTION~~. For calendar year 1983 the distribution to a local housing agency shall include bonds issued by it on or before June 30, 1983, but in an amount not to exceed twenty-five million dollars per issuer and in an aggregate amount for

all local housing agencies not to exceed forty-six million dollars.

**NEW SECTION**

WAC 365-70-060—**DISTRIBUTION PRIOR TO DISTRIBUTION DATE.** A local housing agency may request a decision regarding its distribution amount prior to the distribution date if a bond issue is scheduled to be sold prior to the distribution date and a failure to certify such a distribution would impose an unavoidable or serious hardship on the local agency and its housing program. The director may, under such circumstances, grant a specific allocation in advance of the distribution date if such action would not seriously impair the ability of another applicant to issue bonds which would otherwise be likely to be allocated on the distribution date.

**NEW SECTION**

WAC 365-70-070 **CONFIRMATION OF DISTRIBUTION.** Each ~~local~~ housing authority that receives a distribution must confirm its distribution by providing the agency with a copy of an executed bond purchase contract or alternative documentation deemed sufficient by the commission to evidence the reasonable likelihood that the distribution will be fully used. Any portion of such distribution which is not confirmed will be added to the allocation of the commission. Such confirmation must be received by the agency no later than June 1: **PROVIDED,** That for 1983 such confirmation must be received no later than October 1, 1983. The agency shall provide written notice of any change in the distribution to the affected local housing authority prior to the effectiveness of any such change.

**WSR 83-17-048**  
**NOTICE OF PUBLIC MEETINGS**  
**ADVISORY COUNCIL**  
**ON VOCATIONAL EDUCATION**  
 [Memorandum—August 15, 1983]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held Friday, September 16, 1983, in the Auditorium of the Seattle-Tacoma International Airport. The meeting is scheduled to begin at 10:00 a.m.

This meeting site is barrier free. Interpreters for people with hearing impairments and taped information for people with visual impairments can be provided upon request, if the State Advisory Council on Vocational Education is notified by September 2, 1983.

For further information, please contact Dennis D. Coplen, Sr., Executive Director, Washington State Advisory Council on Vocational Education, 120 East Union, Room 207, M/S EK-21, Olympia, WA 98504, Telephone (206) 753-3715.

**WSR 83-17-049**  
**NOTICE OF PUBLIC MEETINGS**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**  
**(Division for Community Services Advisory Council)**  
 [Memorandum—August 15, 1983]

The Planning and Community Affairs Agency's Division for Community Services Advisory Council will hold a regularly scheduled quarterly meeting on September 8, 1983, from 9:00 a.m. until 4:30 p.m. The meeting will be held in the PCAA 5th Floor Conference Room, Ninth and Columbia Building, Olympia, WA 98504.

For a copy of the agenda, contact Will Graham at (206) 753-3403 or toll free at 1-800-562-5677.

**WSR 83-17-050**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 208—Filed August 16, 1983]

Be it resolved by the Washington State Game Commission, acting at the Thunderbird Motel, 403 West 8th, Ellensburg, WA, that it does adopt the annexed rules relating to Mt. St. Helens area hunting, fishing and trapping closure, repealing WAC 232-28-60416.

We, the Washington State Game 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 emergency WAC 232-28-60420 adopted by the State Game Commission closes Mt. St. Helens volcanic hazard zones 1 and 1A to hunting, fishing, and trapping. These hazard zones are taken from the Governor's Executive Order 83-08. The hazard 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. Therefore, 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. WAC 232-28-60416 closed to hunting, fishing and trapping, the previously described Red Zone which has been replaced by hazard zones.

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

This rule is promulgated pursuant to RCW 77.12.040 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 8, 1983.

By Vern E. Ziegler  
Chairman, Game Commission

### REPEALER

Washington Administrative Code 232-28-60416 is hereby repealed.

**WSR 83-17-051**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
[Order 83-24—Filed August 16, 1983]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington 98504, the annexed rules relating to qualifications for registration of vocational rehabilitation counselors, WAC 296-18-310.

This action is taken pursuant to Notice Nos. WSR 83-13-110 and 83-16-061 filed with the code reviser on June 22, 1983, and August 2, 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 51.41.030 and is intended to administratively implement that statute.


This rule is promulgated pursuant to RCW 51.04.020 and 51.41.010 which directs that the Department of Labor and Industries has authority to implement the provisions of Industrial Insurance Law, Title 51 RCW.

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

APPROVED AND ADOPTED August 16, 1983.

By Sam Kinville  
Director

### AMENDATORY SECTION (Amending Order 82-40, filed 11/30/82)

WAC 296-18-310  QUALIFICATIONS FOR REGISTRATION OF VOCATIONAL REHABILITATION COUNSELORS. (1) A private vocational rehabilitation counselor may be registered to provide rehabilitation services (~~(only)~~) when he or she meets the following qualifications:

(a) A doctorate or masters degree in rehabilitation counseling, ((or a closely related field)) psychology, counseling (and guidance), social work, educational psychology; and a minimum of one year of experience in

vocational counseling, job placement, vocational assessment, or ((a closely related field)) other documented areas of vocational rehabilitation services; or

(b) A bachelors degree in rehabilitation counseling, ((or a closely related field)) social work, psychology, counseling, educational psychology; and a minimum of two years of experience in job placement, vocational assessment, ((or a closely related field)) vocational counseling, or other documented areas of vocational rehabilitation services; or

(c) A masters degree with twenty-four credit hours in a combination of: Rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subject matter previously listed, or coursework relating to counseling and previously listed courses; and a minimum of two years full-time service as a working rehabilitation counselor; or

(d) A bachelors degree with twenty-four credit hours in a combination of: Rehabilitation philosophy, rehabilitation history, rehabilitation ethics, medical aspects of disability, psychological aspects of disability, job placement, occupational information, counseling theory, personal and vocational adjustment, work evaluation, practicum in subject matter previously listed, or coursework relating to counseling and previously listed courses; and a minimum of three years full-time service as a working rehabilitation counselor; or

(e) Proof of certification as a rehabilitation counselor by the commission on rehabilitation counselor certification.

(2) An individual who meets the minimum educational requirements but does not meet the minimum experience requirements may register as a consultant intern. When the intern is registered, the intern's employer shall provide the office of rehabilitation review with the name of the registered vocational rehabilitation counselor under whose direct supervision the intern will work. The supervisor shall be considered to be directly responsible for the rehabilitation work of the intern. In order for all parties to be aware of the intern's status, he or she shall be designated as an "intern(~~(-n)~~)".

(3) The qualifications for vocational rehabilitation counselors employed by or seeking employment with the department will be in accordance with the merit system rules with approval by the state personnel board as governed by the department of personnel.

(4) For the purpose of registration, the office of rehabilitation review will establish, in policies and procedures, minimum qualifications for specialty services within the field of vocational rehabilitation counseling. Such minimum qualifications will be no greater than those provided in subsection (1), (2) or (3) of this section. The office of rehabilitation review may hear special cases for registration which fall outside the normal parameters of registration and grant registration upon approval of the administrator of the office of rehabilitation review.

**WSR 83-17-052**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-94—Filed August 16, 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.

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, 6C, 7, and 7A provide protection for summer-fall chinook during IPSFC sockeye and pink management. Restrictions in Area 7C and the Samish River provide protection for milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and Strait of Juan De Fuca tributaries provide protection for local chinook stocks. Restrictions in Area 12C provide protection for summer-fall chinook and pink salmon returning to Hoodsport Hatchery. Restrictions in Areas 6B, 7B, 8, 8A, 9, 10, 11, 11A, 12, 12B, 13, Nooksack, Puyallup, Nisqually, Snohomish and Stillaguamish Rivers provide protection for weak Puget Sound pink stocks. Restrictions in 10B, 10C, 10D, Cedar River are the least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye. Closures of Area 8 and the Skagit River are necessary to protect summer-fall chinook and pink salmon.

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

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

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

APPROVED AND ADOPTED August 16, 1983.

By William R. Wilkerson  
 Director

**NEW SECTION**

**WAC 220-28-312 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, and 6C – Effective through September 3, drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6 and 6A – Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6B and 9 – Effective through September 10, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 6D and Dungeness River – Effective through September 24, closed to all commercial fishing.*

*Areas 7 and 7A – Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Area 7B – Effective through August 25, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 7C – Closed to all commercial fishing.*

*Area 8 – Effective through September 10, closed to all commercial fishing.*

*Area 8A – Effective through September 10, gill net gear restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited.*

*Areas 10, 11, and 11A – Effective through September 10, gill nets restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.*

*Area 10B – Effective through September 24, gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open.*

*Area 10C – Closed to all commercial fishing through December 31.*

*Area 10D – Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing through December 31.*

*Areas 12 and 12B – Effective through September 3, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 12C – Effective through September 30, closed to all commercial fishing within 1,000 feet of the western shore between Hoodsport Marina Dock and Glen Ayr Trailer Park.*

*\*Area 13 – Effective through October 1, excluding (1) that portion north of a line from Green Point on the eastern shoreline of Carr Inlet to the flashing signal beacon #4 on the west shoreline, and (2) that portion of Chambers Bay east of the railroad trestle, gill net gear is restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited.*

*Cedar River – Closed to all commercial fishing through December 31.*



Nooksack River - Mouth to Marietta Bridge, effective through August 25, commercial net gear restricted to 7-inch minimum mesh, when open; Marietta Bridge to the confluence of the north and south forks, effective through September 1, gill net gear restricted to 7-1/2-inch minimum mesh, when open; upstream of the confluence of north and south forks, closed to all net gear. Puyallup River - Effective through September 10, gill nets restricted to 7-1/2-inch minimum mesh, when open.

Nisqually River - Effective through September 24, gill net gear restricted to 7-1/2" minimum mesh, when open.

Stillaguamish and Snohomish rivers - Effective through September 10, gill net gear restricted to 7-1/2" minimum mesh, when open.

Skagit River including all tributaries - Effective through September 10, closed to all commercial fishing.

Samish River - Closed to all commercial fishing.

Elwha, Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks - Effective through September 24, closed to all commercial fishing.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-28-311 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-90)

**WSR 83-17-053  
EMERGENCY RULES  
DEPARTMENT OF AGRICULTURE  
[Order 1806-Filed August 17, 1983]**

I, M. Keith Ellis, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to corn seed certification, chapter 16-316 WAC.

I, M. Keith Ellis, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this is a first year experimental program to grow corn seed in Washington state and the following rules are needed to set standards for certification of this seed.

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

This rule is promulgated pursuant to chapter 15.49 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 17, 1983.

By M. Keith Ellis  
Director

**NEW SECTION**

WAC 16-316-901 CORN SEED CERTIFICATION STANDARDS. The general seed certification standards are basic and together with the list of varieties eligible and the following specific rules constitute the standards for corn seed certification.

**NEW SECTION**

WAC 16-316-906 CERTIFICATION FEES.

(1) Fees for applications for each separate combination and/or isolation ..... \$10.00

(2) Acreage fee:

(a) First acre ..... \$25.00

(b) Each additional acre ..... \$10.00

**NEW SECTION**

WAC 16-316-911 ELIGIBILITY - FOUNDATION CORN INBRED LINES. (1) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

(2) An inbred line must be a relatively true breeding strain of corn resulting from (a) at least five successive generations of controlled self-fertilization or (b) at least five generations of backcrossing to a recurrent parent with selection or (c) its equivalent.

(3) Inbred seed must meet one of the following requirements:

(a) Be in the hands of the originator.

(b) Be a line obtained directly from a state agricultural experiment station.

(c) Be a line obtained from the United States department of agriculture.

(d) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

(4) Inbred lines increased by hand pollination will be eligible for certification.

(5) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

(6) Addition of specific genetic factors to a line.

(a) When a specific genetic factor(s) is added to an inbred line, the line must have been backcrossed to its recurrent parent at least five generations. The line must be homozygous for the specific genetic factor(s) except for (1) the pollen restoration factor(s) and (2) the genic male sterile maintainer line.

(b) For a recovered pollen restorer inbred line, selection must be relative to a specific cytoplasmic male sterile source.

(c) Proof of the genetic nature of a recovered line will be supplied by the originator.

(d) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

(i) Breeder seed: The hand pollinated selfed seed from a know duplicate-deficient plant heterozygous at a particular male sterile locus.

(ii) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

(iii) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

(e) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

(f) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g. B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g. B37 Mt-1 ms-1, N28 Mt-1 ms-10.

#### NEW SECTION

WAC 16-316-916 FIELD INSPECTION. At least three field inspections shall be made by a representative of the certifying agency during the pollinating period. When the previous crop was corn, at least one additional inspection shall be made to verify that the field is sufficiently free of volunteer plants from the previous crop. Field inspections may be made without giving previous notice to the grower.

#### NEW SECTION

WAC 16-316-921 FIELD STANDARDS. (1) Isolation:

(a) An inbred must be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field must be entered for certification, inspected, and meet all field requirements for certification.

(i) Differential maturity dates are permitted for modifying isolation distances provided there are no receptive silks in the ear parent at the same time pollen is being shed in the contaminating field.

(ii) Foundation inbred production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

(b) Corrections for improper isolation must be made by one of the following methods:

(i) By completely destroying or by detasseling, the necessary contaminating corn before silks appear in the ear parent in the field to be certified, or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) Roguing:

(a) Definitely off-type plants must be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from

the inbred being inspected shall be classified as definitely off-type.

(b) An isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) Sucker tassels and portions of tassels of off-type plants will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extending from the glumes.

#### WSR 83-17-054 EMERGENCY RULES

#### BOARD OF PILOTAGE COMMISSIONERS

[Order 83-5, Resolution No. 83-5—Filed August 17, 1983]

Be it resolved by the Board of Pilotage Commissioners, acting at Coleman Dock, Seattle, Washington 98104, that it does adopt the annexed rules relating to pilotage rates for the Puget Sound pilotage district, WAC 296-116-300.

We, the Board of Pilotage Commissioners, 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 during the July 21, 1983, hearing on this amendment, an error in computation was made; it was necessary to postpone adoption of this rule until the August meeting when a correction could be proposed and voted upon. It is necessary to adopt this as an emergency rule in order to comply with RCW 88.16.035 which requires that the board fix pilotage tariffs on an annual basis. This tariff was last amended June 10, 1982.

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

This rule is promulgated pursuant to RCW 88.16.035(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 10, 1983.

By Ralph E. White  
Chairman

AMENDATORY SECTION (Amending Order 82-4, Resolution No. 82-4, filed 6/16/82)

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on ((June 15, 1982)) August

1, 1983, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE	CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section	transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Boarding Fee:	<del>\$(22.00)</del> <u>24.00</u>	In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge shall be levied in the amount of a harbor shift only.	
Per each boarding/deboarding at the Port Angeles Pilot station.		Compass Adjustment	<del>((146.00))</del> <u>163.00</u>
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I	Radio Direction Finder Calibration	<del>((146.00))</del> <u>163.00</u>
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I	Launching Vessels	<del>((219.00))</del> <u>244.00</u>
Harbor Shift - Dead Ship	Double LOA Zone I	Trial Trips, 6 hours or less	<del>((59.00))</del> <u>66.00</u> per hr.
Dead Ship Towing Charge:	Double LOA Zone	(Minimum <del>\$(352.00)</del> ) <u>392.00</u>	
LOA of tug + LOA of tow + beam of tow		Trial Trips, over 6 hours (two pilots)	<del>((117.00))</del> <u>130.00</u> per hr.
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.		Shilshole Bay - Salmon Bay	<del>((85.00))</del> <u>95.00</u>
Waterway and Bridge Charges:		Salmon Bay - Lake Union	<del>((68.00))</del> <u>76.00</u>
Ships up to 90' beam:		Lake Union - Lake Washington (plus LOA zone from Webster Point)	<del>((85.00))</del> <u>95.00</u>
A charge of <del>\$(110.00)</del> <u>122.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of <del>\$(52.00)</del> <u>58.00</u> per bridge.		Cancellation Charge	LOA Zone I
Ships 90' beam and/or over:		Cancellation Charge - Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I
A charge of <del>\$(147.00)</del> <u>164.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of <del>\$(103.00)</del> <u>115.00</u> per bridge.		Docking Delay after Anchoring:	<del>((59.00))</del> <u>66.00</u>
(The above charges shall not apply to		Applicable Harbor Shift rate to apply, plus <del>\$(59.00)</del> <u>66.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is <del>\$(59.00)</del> <u>66.00</u> for every hour or fraction thereof.	
		Sailing Delay	<del>((59.00))</del> <u>66.00</u> per hour
		No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is <del>\$(59.00)</del> <u>66.00</u> for every hour or fraction thereof.	
		Slow-Down - <del>\$(59.00)</del> <u>66.00</u> per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.	<del>((59.00))</del> <u>66.00</u> per hour

CLASSIFICATION

RATE

Super Ships — Additional charge to LOA zone mileage of ~~\$(0.0365)~~ 0.0406 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be ~~\$(0.0437)~~ 0.0486 per gross ton.

Delayed Arrival Port Angeles ~~((59.00))~~  
66.00  
 per hour

(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA.)

Transportation to vessels on Puget Sound:	
March Point or Anacortes	\$ 96.00
Bangor	56.00
Bellingham	106.00
Bremerton	29.00
Cherry Point	125.00
Dupont	56.00
Edmonds	20.00
Everett	36.00
Ferndale	115.00
Manchester	44.00
Mukilteo	35.00
Olympia	72.00
Point Wells	20.00
Port Gamble	51.00
Port Townsend (Indian Island)	73.00
Semiahmoo (Blaine)	131.00
Tacoma	37.00
Tacoma Smelter	42.00
Winslow	29.00

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.

Delinquent payment charge: 1% per month after 60 days from first billing.

Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full

pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA Rate Schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
(Up to 499	103	161	279	419	565	735
450-459	105	164	282	426	572	738
460-469	109	167	285	432	581	740
470-479	112	171	288	441	584	743
480-489	114	174	290	448	589	746
490-499	117	176	294	456	595	750
500-509	121	180	298	464	600	755
510-519	123	184	301	470	605	757
520-529	125	191	307	473	611	764
530-539	130	194	311	477	620	771
540-549	132	197	316	482	631	778
550-559	135	202	319	488	635	785
560-569	140	208	325	492	642	794
570-579	143	212	329	494	648	800
580-589	149	215	334	498	653	808
590-599	155	219	337	501	661	816
600-609	161	226	341	503	668	821
610-619	170	229	347	507	676	829
620-629	177	233	351	510	684	837
630-639	187	237	355	512	689	845
640-649	195	243	359	515	697	852
650-659	206	247	365	518	705	860
660-669	212	250	369	521	712	866
670-679	217	255	372	529	720	873
680-689	223	260	377	535	727	881
690-699	229	265	382	544	735	897
700-719	240	273	390	551	748	909
720-739	253	282	399	559	764	924
740-759	265	294	408	565	778	940
760-779	276	306	417	572	794	954
780-799	288	317	426	581	808	970
800-819	299	329	434	587	821	984
820-839	311	340	443	595	837	997
840-859	324	352	452	602	852	1013
860-879	335	365	461	617	866	1028
880-899	347	376	470	632	881	1042
900-919	358	388	478	646	897	1057
920-939	370	399	488	661	909	1073
940-959	382	411	495	676	924	1085
960-979	393	423	505	689	940	1101
980-999	406	434	513	705	954	1116
1000 & over	417	447	523	720	970	1130
Up to 449	115	179	311	466	629	818
450-459	117	183	314	474	637	821
460-469	121	186	317	481	647	824
470-479	125	190	321	491	650	827
480-489	127	194	323	499	656	830
490-499	130	196	327	508	662	835
500-509	135	200	332	516	668	840
510-519	137	205	335	523	673	843
520-529	139	213	342	526	680	850
530-539	145	216	346	531	690	858
540-549	147	219	352	537	702	866
550-559	150	225	355	543	707	874
560-569	156	232	362	548	715	884
570-579	159	236	366	550	721	890
580-589	166	239	372	554	727	899
590-599	173	244	375	558	736	908
600-609	179	252	380	560	744	914
610-619	189	255	386	564	752	923

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31- <del>(54)</del> <u>50</u> Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
620 - 629	197	259	391	568	761	932
630 - 639	208	264	395	570	767	941
640 - 649	217	270	400	573	776	948
650 - 659	229	275	406	577	785	957
660 - 669	236	278	411	580	793	964
670 - 679	242	284	414	589	801	972
680 - 689	248	289	420	596	809	981
690 - 699	255	295	425	606	818	998
700 - 719	267	304	434	613	833	1012
720 - 739	282	314	444	622	850	1029
740 - 759	295	327	454	629	866	1046
760 - 779	307	341	464	637	884	1062
780 - 799	321	353	474	647	899	1080
800 - 819	333	366	483	653	914	1095
820 - 839	346	378	493	662	932	1110
840 - 859	361	392	503	670	948	1128
860 - 879	373	406	513	687	964	1144
880 - 899	386	419	523	703	981	1160
900 - 919	398	432	532	719	998	1177
920 - 939	412	444	543	736	1012	1194
940 - 959	425	457	551	752	1029	1208
960 - 979	437	471	562	767	1046	1226
980 - 999	452	483	571	785	1062	1242
1000 & over	464	498	582	801	1080	1258

**WSR 83-17-055**

**ADOPTED RULES**

**BOARD OF**

**PILOTAGE COMMISSIONERS**

[Order 83-6, Resolution No. 83-6—Filed August 17, 1983]

Be it resolved by the Board of Pilotage Commissioners, acting at Coleman Dock, Seattle, Washington 98104, that it does adopt the annexed rules relating to pilotage rates for the Puget Sound pilotage district, WAC 296-116-300.

This action is taken pursuant to Notice No. WSR 83-12-027 filed with the code reviser on May 26, 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 88.16.035(4) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 10, 1983.

By Ralph E. White  
Chairman

~~AMENDATORY SECTION~~ (Amending Order 82-4, Resolution No. 82-4, filed 6/16/82)

WAC 296-116-300 **PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT.** These rates shall become effective on ~~((June 15, 1982))~~ **August 1, 1983**, or as soon thereafter as provided in RCW 34.04.040.

CLASSIFICATION	RATE
Ship Length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding Fee:	<del>\$(22.00)</del> <u>24.00</u>
Per each boarding/deboarding at the Port Angeles Pilot station.	
Harbor Shift - Live Ship (Seattle Port)	LOA Zone I
Harbor Shift - Live Ship (Other than Seattle Port)	LOA Zone I
Harbor Shift - Dead Ship	Double LOA Zone I
Dead Ship Towing Charge:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Waterway and Bridge Charges:	
Ships up to 90' beam:	
A charge of <del>\$(10.00)</del> <u>122.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of <del>\$(52.00)</del> <u>58.00</u> per bridge.	
Ships 90' beam and/or over:	
A charge of <del>\$(147.00)</del> <u>164.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of <del>\$(103.00)</del> <u>115.00</u> per bridge.	
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
In a case where two pilots are employed for a single vessel waterway or bridge transit, a second pilot charge	

CLASSIFICATION	RATE	CLASSIFICATION	RATE
shall be levied in the amount of a harbor shift only.		Delayed Arrival Port Angeles	((59.00)) <u>66.00</u> per hour
Compass Adjustment	((146.00)) <u>163.00</u>	(When pilot is ordered and vessel does not arrive within two hours without notification of change of ETA.)	
Radio Direction Finder Calibration	((146.00)) <u>163.00</u>	Transportation to vessels on Puget Sound:	
Launching Vessels	((219.00)) <u>244.00</u>	March Point or Anacortes	\$ 96.00
Trial Trips, 6 hours or less	((59.00)) <u>66.00</u> per hr.	Bangor	56.00
(Minimum \$((352.00))392.00)		Bellingham	106.00
Trial Trips, over 6 hours (two pilots)	((117.00)) <u>130.00</u> per hr.	Bremerton	29.00
Shilshole Bay — Salmon Bay	((85.00)) <u>95.00</u>	Cherry Point	125.00
Salmon Bay — Lake Union	((68.00)) <u>76.00</u>	Dupont	56.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((85.00)) <u>95.00</u>	Edmonds	20.00
Cancellation Charge	LOA Zone I	Everett	36.00
Cancellation Charge — Port Angeles (When pilot is ordered and vessel proceeds without stopping for pilot)	LOA Zone I	Ferndale	115.00
Docking Delay after Anchoring:	((59.00)) <u>66.00</u>	Manchester	44.00
Applicable Harbor Shift rate to apply, plus \$((59.00))66.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((59.00))66.00 for every hour or fraction thereof.		Mukilteo	35.00
Sailing Delay	((59.00)) <u>66.00</u> per hour	Olympia	72.00
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$((59.00))66.00 for every hour or fraction thereof.		Point Wells	20.00
	((59.00)) <u>66.00</u> per hour	Port Gamble	51.00
Slow-Down — \$((59.00))66.00 per hour for all time in excess of time spent in that particular transit for that speed of advance normal for vessel that is slowed.		Port Townsend (Indian Island)	73.00
Super Ships — Additional charge to LOA zone mileage of \$((0.0365))0.0406 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. In excess of 50,000 gross tons, the charge shall be \$((0.0437))0.0486 per gross ton.		Semiahmoo (Blaine)	131.00
		Tacoma	37.00
		Tacoma Smelter	42.00
		Winslow	29.00
		(a) Interport shifts: Transportation paid to and from both points.	
		(b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.	
		(c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.	
		(d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.40 per mile.	
		Delinquent payment charge: 1% per month after 60 days from first billing.	
		Non Use of Pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.	
		LOA Rate Schedule	
		The following rate schedule is based upon distances furnished by National	

Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-((5+))50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
(Up to 499	103	161	279	419	565	735
450 - 459	105	164	282	426	572	738
460 - 469	109	167	285	432	581	740
470 - 479	112	171	288	441	584	743
480 - 489	114	174	290	448	589	746
490 - 499	117	176	294	456	595	750
500 - 509	121	180	298	464	600	755
510 - 519	123	184	301	470	605	757
520 - 529	125	191	307	473	611	764
530 - 539	130	194	311	477	620	771
540 - 549	132	197	316	482	631	778
550 - 559	135	202	319	488	635	785
560 - 569	140	208	325	492	642	794
570 - 579	143	212	329	494	648	800
580 - 589	149	215	334	498	653	808
590 - 599	155	219	337	501	661	816
600 - 609	161	226	341	503	668	821
610 - 619	170	229	347	507	676	829
620 - 629	177	233	351	510	684	837
630 - 639	187	237	355	512	689	845
640 - 649	195	243	359	515	697	852
650 - 659	206	247	365	518	705	860
660 - 669	212	250	369	521	712	866
670 - 679	217	255	372	529	720	873
680 - 689	223	260	377	535	727	881
690 - 699	229	265	382	544	735	897
700 - 719	240	273	390	551	748	909
720 - 739	253	282	399	559	764	924
740 - 759	265	294	408	565	778	940
760 - 779	276	306	417	572	794	954
780 - 799	288	317	426	581	808	970
800 - 819	299	329	434	587	821	984
820 - 839	311	340	443	595	837	997
840 - 859	324	352	452	602	852	1013
860 - 879	335	365	461	617	866	1028
880 - 899	347	376	470	632	881	1042
900 - 919	358	388	478	646	897	1057
920 - 939	370	399	488	661	909	1073
940 - 959	382	411	495	676	924	1085
960 - 979	393	423	505	689	940	1101
980 - 999	406	434	513	705	954	1116
1000 & over	417	447	523	720	970	1130)
Up to 449	115	179	311	466	629	818
450 - 459	117	183	314	474	637	821
460 - 469	121	186	317	481	647	824
470 - 479	125	190	321	491	650	827
480 - 489	127	194	323	499	656	830
490 - 499	130	196	327	508	662	835
500 - 509	135	200	332	516	668	840
510 - 519	137	205	335	523	673	843
520 - 529	139	213	342	526	680	850
530 - 539	145	216	346	531	690	858
540 - 549	147	219	352	537	702	866
550 - 559	150	225	355	543	707	874
560 - 569	156	232	362	548	715	884
570 - 579	159	236	366	550	721	890
580 - 589	166	239	372	554	727	899
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660 - 669	236	278	411	580	793	964
670 - 679	242	284	414	589	801	972
680 - 689	248	289	420	596	809	981
690 - 699	255	295	425	606	818	998
700 - 719	267	304	434	613	833	1012
720 - 739	282	314	444	622	850	1029
740 - 759	295	327	454	629	866	1046
760 - 779	307	341	464	637	884	1062
780 - 799	321	353	474	647	899	1080
800 - 819	333	366	483	653	914	1095

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-((5+))50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
820 - 839	346	378	493	662	932	1110
840 - 859	361	392	503	670	948	1128
860 - 879	373	406	513	687	964	1144
880 - 899	386	419	523	703	981	1160
900 - 919	398	432	532	719	998	1177
920 - 939	412	444	543	736	1012	1194
940 - 959	425	457	551	752	1029	1208
960 - 979	437	471	562	767	1046	1226
980 - 999	452	483	571	785	1062	1242
1000 & over	464	498	582	801	1080	1258

**WSR 83-17-056**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed August 17, 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—School district budgeting, chapter 392-123 WAC;

that the agency will at 9:00 a.m., Wednesday, September 28, 1983, in the Old Capital 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 October 10, 1983.

The authority under which these rules are proposed is RCW 28A.65.465.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 1983.

Dated: August 17, 1983

By: Frank B. Brouillet  
 Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-123 WAC, Finance—School district budgeting.

Rule Section(s): WAC 392-123-003 Authority; 392-123-046 Definitions—General fund, capital projects fund, debt service fund, associated student body fund, advance refunding and advance refunded bond funds, transportation vehicle fund and insurance reserves; 392-123-047 Definitions—Revenue, accrual basis expenditures, cash basis expenditures, appropriation, and disbursements; 392-123-049 Basis of budgeting and accounting; 392-123-053 Budget contents; 392-123-054 Time schedule for budget; 392-123-055 Identification of revenues to be included in the budget; 392-123-060 Petition to budget receivables collectible in future fiscal periods; 392-123-070 Overexpending and exceeding the budget; 392-123-071 Budget extensions—First-class school districts; 392-123-072 Budget extensions—Second class school districts; 392-123-076 Identification of

balanced budget; 392-123-078 Review of first-class school district budgets and budget extensions; 392-123-079 Review of second-class district budgets and budget extensions; 392-123-095 Budget as noncomplaint and unsound; 392-123-115 Monthly budget status reports; 392-123-120 Statement of financial condition—Financial position of the school district; 392-123-140 Interfund loans allowable; 392-123-170 Proceeds from the sale of school district real property; 392-123-175 Proceeds from the lease, rental or occasional use of surplus property; and 392-123-180 Bond proceeds.

Statutory Authority: RCW 28A.65.465.

Purpose of the Rule(s): [No information supplied by agency]

Summary of the New Rule(s) and/or Amendments: WAC 392-123-003, sets forth authority for chapter; 392-123-046, this section defines each fund a district may establish. The use of insurance reserves is also defined; 392-123-047, the definitions were amended to agree with section 1, chapter 59, Laws of 1983. This change redefines revenue, accrual and cash basis expenditures, cash basis revenue, revenue accruals and disbursements; 392-123-049, states the school districts with less than 1,000 FTE students for the preceding year may elect to recognize expenditures on the cash basis, except in the debt service fund; 392-123-053, the references to forms provided by SPI were amended to in the format prescribed by SPI to agree with section 6, chapter 59. The remaining amendments bring this WAC into agreement with section 7, chapter 59. Terminology used in cash balance budgeting has been changed to fund balance budgeting terminology. Salary exhibits may now be displayed in a summarized form. The method to do this is explained; 392-123-054, the final date for a board to petition to budget receivables was amended to at least 20 days before the budget is scheduled for adoption. This agrees with section 8, chapter 59. The number of budgets sent to SPI was decreased by one because beginning FY 1983-84, it will no longer be necessary to file a copy of school district budgets and/or budget extensions with the state auditor; 392-123-055, the phrase "in cash" was deleted to bring this section in agreement with line 24, section 7, chapter 59. Revenues may be in the form on noncash assets as well as cash; 392-123-060, the various amendments bring the WAC into agreement with section 8, chapter 59. Here, again, terminology used in cash balance budgeting has been changed to fund balance budgeting terminology; 392-123-071, the first four lines of the last paragraph have been amended to exclude the state auditor's office. This is in agreement with section 11, chapter 59. Reasoning for the other change is explained above under WAC 392-123-053; 392-123-073, the changes in the last paragraph bring the WAC into agreement with section 12, chapter 59. Again, the state auditor will no longer receive a copy of school district budgets or budget extensions; 392-123-076, the amendments bring this WAC into agreement with section 9, chapter 59. Cash balance terminology has been changed to fund balance terminology; 392-123-078, throughout chapter 59 references to net cash and investments have been changed to fund balance; 392-123-079, Same as 392-123-078;

392-123-085, section 10, chapter 59, changes the law so that when a budget is determined to be noncomplaint it is no longer necessary for the various parties to hold a meeting to review the budget in question; 392-123-095, the first and second amendments bring this WAC in agreement with section 10 subsections 3 and 2 respectively, chapter 59. The term "directive" has been replaced by "notice." Reference to WAC 392-123-085 has been deleted because the WAC has been repealed; 392-123-115, throughout chapter 59 references to net cash and investments references to net cash and investments have been changed to fund balance; 392-123-120, all districts are now required to maintain a double entry accounting system; 392-123-140, the titles of the building and capital projects fund and the bond interest and redemption fund have been changed, as a result of section 13, chapter 59, to capital projects fund and debt service fund respectively. The phrase "from any fund" has been deleted per the code reviser's note; 392-123-170, proceeds from the sale of school district property. This section identifies to which funds the proceeds from sale of school district property shall be deposited; 392-123-175, proceeds from the lease, rental or occasional use of surplus property. This section identifies to which funds the proceeds from the lease, rental, or occasional use of surplus property shall be deposited; and 392-123-180, bond proceeds, this section states that money derived from the sale of bonds shall be deposited to the capital projects fund. Also defined are the purposes for which such money may be used.

Reasons Which Support the Proposed Action(s): Amendments reflect changes made by recent legislative action.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Mel Collart, SPI, 3-3584.

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): [No information supplied by agency]

Chapter 392-123 WAC  
FINANCE—SCHOOL DISTRICT BUDGETING

NEW SECTION

WAC 392-123-003 AUTHORITY. The authority for this chapter is RCW 28A.65.465 which authorizes the superintendent of public instruction to promulgate rules and regulations regarding budgetary procedures and practices by school districts.

NEW SECTION

WAC 392-123-046 DEFINITIONS—GENERAL FUND, CAPITAL PROJECTS FUND, DEBT SERVICE FUND, ASSOCIATED STUDENT BODY FUND, ADVANCED REFUNDING AND ADVANCE REFUNDED BOND FUNDS, TRANSPORTATION VEHICLE FUND AND INSURANCE RESERVES. (1) A general fund shall be established for maintenance and operation of the school district to account for all financial operations of the school district, except those required to be accounted for in another fund, as authorized by RCW 28A.58.441, 28A.58.120, and 28A.58.428.



(2) A capital projects fund shall be established as authorized by RCW 28A.58.441 for major capital purposes. Any statutory references to a "building fund" shall mean the capital projects fund. Money to be deposited into the capital projects fund shall include, but not be limited to, bond proceeds, proceeds from excess levies, state apportionment proceeds, earnings from capital projects fund investments, rental and lease proceeds, and proceeds from the sale of real property.

Money deposited into the capital projects fund from other sources may be used for the purposes provided in WAC 392-123-180 and for the purposes of:

(a) Major renovation, including the replacement of facilities and systems where periodical repairs are no longer economical. Major renovation and replacement shall include, but shall not be limited to, roofing, heating and ventilating systems, floor covering, and electrical systems.

(b) Renovation and rehabilitation of playfields, athletic fields, and other district real property.

(c) The conduct of preliminary energy audits and energy audits of school district buildings. For the purpose of this section:

(i) "Preliminary energy audits" means a determination of the energy consumption characteristics of a building, including the size, type, rate of energy consumption, and major energy using systems of the building.

(ii) "Energy audit" means a survey of a building or complex which identifies the type, size, energy use level, and major energy using systems; which determines appropriate energy conservation maintenance or operating procedures and assesses any need for the acquisition and installation of energy conservation measures, including solar energy and renewable resource measures.

(iii) "Energy capital improvement" means the installation, or modification of the installation, of energy conservation measures in a building which measures are primarily intended to reduce energy consumption or allow the use of an alternative energy source.

(d) Those energy capital improvements which are identified as being cost-effective in the audits authorized by this section.

(e) Purchase or installation of additional major items of equipment and furniture: PROVIDED, That vehicles shall not be purchased with capital projects fund money.

(3) A debt service fund shall be established to provide for tax proceeds, other revenues, and disbursements as authorized in chapter 39-44 RCW.

(4) An associated student body fund shall be established as authorized by RCW 28A.58.120.

(5) Advance refunding bond funds and refunded bond funds shall be established to provide for proceeds and disbursements as authorized in chapter 39.53 RCW.

(6) A transportation vehicle fund shall be established as authorized by RCW 28A.58.428.

(7) The board of directors of first-class school districts shall have power to create and maintain an insurance reserve pursuant to RCW 28A.59.185 to be used to meet losses specified by the board of directors.

Funds required for maintenance of an insurance reserve shall be budgeted and allowed as are other moneys required for the support of the school district.

The school district board of directors may, as an alternative or in addition to the establishment of a self-insurance reserve or the purchasing of insurance, contract for or hire personnel to provide risk management services.

#### AMENDATORY SECTION (Amending Order 82-13, filed 9/14/82)

WAC 392-123-047 DEFINITIONS—REVENUE, ACCRUAL BASIS EXPENDITURES, CASH BASIS EXPENDITURES, APPROPRIATION, AND DISBURSEMENTS. As used in this chapter, the term (1) "Revenue" shall mean ~~((additions of assets during a given fiscal period to a fund of a school district in the form of cash or donated commodities which does not accompany the incurrence of liabilities or represent refunds of previous disbursements))~~ an addition to assets of a fund of a school district during a fiscal period that is available to finance the funds' expenditures during the fiscal period. Revenue does not accompany the increase of liabilities or represent refunds of previous disbursements. Revenue may be in the form of cash, or in the form of noncash assets such as donated commodities. Revenue for accrual basis expenditure funds is limited to amounts received in cash or noncash donations, plus or minus adjustments for revenue accruals.

(2) "Cash basis revenue" shall mean the actual receipt of revenue not adjusted for revenue accruals.

(3) "Revenue accruals" shall mean those revenues which are (a) anticipated to be received in cash after the close of the fiscal period and (b) represent reimbursement for expenditures incurred by the end of the fiscal period. In order for revenue to be included in revenue accruals, it must meet the above tests.

Revenue accruals, if they meet both tests include: Reimbursements on categorical grants for which expenditures have been made but payment has not been received; payments from other school districts that are due, but are not collected by the end of the fiscal period; deferrals of apportionment payments by the state when a deferral occurs because of district request or state mandate, and the revenue is due to the district; and rental or lease payments that are currently due, and there is reasonable assurance of payment.

Revenue that cannot be accrued because it does not meet the above tests includes: Collection of excess levies not expected to be received until after the end of the fiscal period and PL 874 funds that are to be received in cash in the following fiscal period, i.e. the twenty-five percent payment that is received after the end of the fiscal period.

(4) "Accrual basis expenditures" shall mean ~~((costs))~~ expenditures incurred during a given fiscal period, whether paid or unpaid. ~~((With respect to the bond interest and redemption fund, the refunding bond fund, and the refunded bond fund, accrual basis expenditures are incurred when bond principal and interest become due.~~

~~((3))~~ (5) "Cash basis expenditures" shall mean actual disbursements during a given fiscal period regardless of when liabilities are incurred or the period of incurrence of expenditures. "Cash basis expenditures" includes the consumption of donated commodities.

~~((4))~~ (6) "Appropriation" shall mean the maximum authorization during a given fiscal period to incur expenditures.

~~((5))~~ (7) "Disbursements" shall mean payments in cash, including but not limited to ~~((payments by))~~ issuance of warrants.

#### AMENDATORY SECTION (Amending Order 82-13, filed 9/14/82)

WAC 392-123-049 BASIS OF BUDGETING AND ACCOUNTING. ~~((This section sets forth the basis for revenue and expenditure recognition for budgeting and accounting in all school districts.~~

~~((1))~~ All school districts shall recognize revenue as defined in WAC 392-123-047(1).

~~((2))~~ School districts with less than one thousand full-time equivalent students for the previous school year may utilize the cash basis for the recognition of expenditures from the general and all other funds recognized in subsection (3) below. PROVIDED, That, in any school district which utilizes the cash basis, the school district superintendent shall prepare a list of accounts payable as of the end of the fiscal (school) year, subject to the penalties of perjury, a copy of which will accompany the district's annual report and a copy of which shall be filed with the district's board of directors.

~~((3))~~ All school districts not utilizing the cash basis as provided in subsection (2) of this section shall utilize the accrual basis for the recognition of expenditures from the:

- (a) General fund;
- (b) transportation vehicle fund;
- (c) building and capital projects fund;
- (d) building reserve fund;
- (e) bond interest and redemption fund;
- (f) refunding bond fund;
- (g) refunded bond fund;
- (h) permanent insurance fund; and

~~((i))~~ associated study body program fund.) All school districts must utilize the following methods of revenue and expenditure recognition in budgeting, accounting, and financial reporting:

(1) Recognize revenue as defined in WAC 392-123-047: PROVIDED, That school districts that elect the cash basis of expenditure recognition as defined below shall recognize revenue on the cash basis.

(2) Recognition of expenditures for all funds shall be on the accrual basis: PROVIDED, That school districts with under one thousand full time equivalent students for the preceding fiscal year may make a uniform election for all funds, except debt service funds, to be on the cash basis of expenditure recognition. Notification of such election shall be given to the state superintendent of public instruction in the budget of the school district and shall remain in effect for one full fiscal year.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-053 BUDGET CONTENTS. Each school district that anticipates being an operating district in the common school system of the state during the following fiscal year shall prepare a budget. For districts anticipating consolidation or annexation, separate budgets shall be prepared pending official consolidation or annexation proceedings.

Every school district budget shall be prepared, submitted and adopted (~~on forms provided~~) in the format prescribed by the superintendent of public instruction. The budget classifications contained in said format shall be in accordance with the accounting manual for public school districts, published by the superintendent of public instruction and the state auditor. Budgets (~~on forms~~) prepared and adopted in a format other than (~~those provided~~) that prescribed by the superintendent of public instruction shall not be official and will have no legal effect.

All items on the budget form shall be completed correctly in accordance with instructions provided by the superintendent of public instruction before the budget is presented for hearing review and approval. Information pertaining to budget development which is not available at the time of budget preparation shall be estimated using the most current and reliable information available.

The (~~revenue section of every school district~~) budget shall set forth the estimated revenues for the (~~ensuing~~) budgeted fiscal year, the (~~budgeted~~) estimated revenues for the fiscal year current at the time of budget preparation, the actual revenues for the last completed fiscal year, and the (~~probable net cash balance and investments available for ensuing fiscal year disbursements at the close of the said current fiscal~~) reserved and unreserved fund balances for each year. The estimated revenues from all sources for the ensuing fiscal year shall not include any revenue not anticipated to be (~~received in cash~~) available during that fiscal year: PROVIDED, That school districts, pursuant to WAC 392-123-060 can be granted permission by the superintendent of public instruction to include as revenues in their budgets, receivables collectible in future fiscal years.

Any budget or appropriation adopted by the board of directors that contains estimated (~~disbursements~~) expenditures in excess of the total of estimated revenue for the (~~ensuing~~) budgeted fiscal year plus estimated (~~net cash balance and investments~~) fund balance at the (~~close~~) beginning of the (~~current~~) budgeted fiscal year less ending reserve fund balance for the budgeted year without written permission from the superintendent of public instruction shall be null and void and shall not be considered an appropriation.

The (~~expenditure section of the~~) budget shall set forth by detailed items or classes the estimated expenditures for the (~~ensuing~~) budgeted fiscal year, the (~~budgeted~~) estimated expenditures for the fiscal year current at the time of budget preparation, and the actual expenditures for the last completed fiscal year. (~~Salaries including salary rates, full-time equivalents (FTE), and hours where specified on budget forms must be budgeted for each position. PROVIDED, That positions with the same title and salary rate may be grouped together if they are budgeted in the same account classification.~~) Total salary amounts, full-time equivalents and the high, low and average annual salaries shall be displayed by each job classification within each activity within each program. If individual salaries within each position title are not displayed, districts shall provide individual salaries together with the position title of the recipient and the total salary amounts budgeted for each program upon request. Salary schedules shall be displayed. In districts where negotiations have not been completed, the district may budget the salaries at the current year's rate and restrict (~~ending net cash~~) fund balance for the amount of anticipated increase in salaries, so long as an explanation shall be attached to the budget on such restriction of (~~ending cash~~) fund balance.

AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-054 TIME SCHEDULE FOR BUDGET. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare budget. Upon completion of their budgets, every school district shall	Same as first-class.

Final Date For Action	First-Class Districts	Second-Class Districts
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publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.

((July+0)) ((Final date for district board of directors to petition in writing the superintendent of public instruction for permission to include receivables collectible in future years, in order to balance the budget.)) ((Same as first-class.))

July 15 Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

July 20 Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.

Final Date For Action	First-Class Districts	Second-Class Districts	Final Date For Action	First-Class Districts	Second-Class Districts
July 25		Final date for educational service district to notify districts of problems noted in review.			educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget.  Such hearing may be continued not to exceed a total two days: <b>PROVIDED</b> , That the budget must be adopted no later than August 1st.  Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	September 3	Final date for district to file <del>((four))</del> <u>three</u> copies of said adopted budget with their educational service district.	
			September 10	Last date for educational service district to file copies of said adopted budgets with the superintendent of public instruction <del>((; the office of the state auditor))</del> and the appropriate county auditor. One copy will be retained by educational service district.	Same as first-class except one copy of adopted and approved budget must be returned to local school district by this date.
August 3		Last date to forward <del>((five))</del> <u>four</u> copies of said adopted budget to educational service district for review, alteration and approval.			
August 10	Final date for educational service district to notify districts of review problems noted in review.				
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: <b>PROVIDED</b> , That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. A copy of said budget shall be returned to the local school districts no later than September 10th.  Members of the budget review committee as referred to in this section shall consist of the			

**AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)**

WAC 392-123-055 IDENTIFICATION OF REVENUES TO BE INCLUDED IN THE BUDGET. Only revenues which can be reasonably anticipated to be ~~((received in cash))~~ available, as defined in WAC 392-123-047 in the fiscal period for which the budget is being prepared may be budgeted by a school district, except under the following condition: Receipt of written permission from the superintendent of public instruction to budget as revenue in a district's budget receivables collectible in future fiscal periods.

All available current information including current instructions contained in bulletins now or hereafter published by the superintendent of public instruction shall be used to determine the amount of budget revenues that can reasonably be expected to be ~~((received in cash))~~ available in the fiscal period. Proposed levies which have not been certified as approved by the voters shall not be included in the budget as adopted for operation of the district.

**AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)**

WAC 392-123-060 PETITION TO BUDGET RECEIVABLES COLLECTIBLE IN FUTURE FISCAL PERIODS. When a school district is unable to prepare a budget or a budget extension in which the estimated revenues for the budgeted fiscal period ~~((being budgeted))~~ plus the estimated ((net cash and investments)) fund balance or actual ((net cash and investments)) fund balance in case of a budget extension, ~~((on hand))~~ at the beginning of the budgeted fiscal period ((being budgeted)) less the ending reserved fund balance for the budgeted fiscal year do not at least equal the estimated ~~((disbursements))~~ expenditures for the budgeted fiscal period ((being budgeted plus cash reserves mandated by law or judicial action and the mandated cash reserve for transportation equipment at the close of the fiscal period being budgeted as required by RCW 28A.41.160)), the school district board of directors ~~((shall))~~ may deliver a petition in writing at least twenty days before the budget or budget extension is scheduled for adoption to the superintendent of public instruction ((for)) requesting permission to include receivables collectible in future periods beyond the fiscal period being budgeted in order to balance the budget or budget extension for the fiscal period being budgeted. Said petition shall include a resolution of the school board requesting permission to budget receivables collectible in future fiscal periods and other such

information as the superintendent of public instruction shall deem as necessary.

~~((A petition to include receivables collectible in future fiscal periods in the budget shall be submitted to the office of the superintendent of public instruction not later than the tenth of July of the year preceding the fiscal period being budgeted. A petition to include receivables collectible in future fiscal periods in a budget extension shall be submitted to the superintendent of public instruction not later than fifteen calendar days preceding the scheduled date for adoption of the budget extension by the school district board of directors.))~~ If such permission is granted, it shall be in writing, and it shall contain conditions, binding on the district, designed to improve the district's financial condition.

#### AMENDATORY SECTION (Amending Order 8-76, filed 7/23/76)

WAC 392-123-070 OVEREXPENDING AND EXCEEDING THE BUDGET. Total budgeted expenditures for each fund as adopted in the budget of a school district shall constitute the appropriations of the district for the ~~((ensuing))~~ budgeted fiscal year and the board of directors shall be limited in the incurring of expenditures to the amount of each such appropriation. The board of directors shall incur no expenditures for any purpose in excess of the appropriation for each fund: PROVIDED, That no board of directors shall be prohibited from incurring expenditures for the payment of regular employees, for the necessary repairs and upkeep of the school plant, for the purchase of books and supplies, and for their participation in joint purchasing agencies authorized in RCW 28A.58.107 during the interim while the budget is being settled under WAC 392-123-080: PROVIDED FURTHER, That transfers between budget classes may be made by the school district's chief administrative officer or finance officer, subject to such restrictions as may be imposed by the school district board of directors.

Directors, officers or employees who knowingly or negligently violate or participate in a violation of this section by the incurring of expenditures in excess of any appropriation(s) shall be held civilly liable, jointly and severally, for such expenditures in excess of such appropriation(s), including consequential damages following therefrom, for each such violation. If as a result of any civil or criminal action the violation is found to have been done knowingly, such director, officer, or employee who is found to have participated in such breach shall immediately forfeit his office or employment, and the judgment in any such action shall so provide.

Nothing in this section shall be construed to limit the duty of the attorney general to carry out the provisions of RCW 43.09.260, as now or hereafter amended.

#### AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-071 BUDGET EXTENSIONS—FIRST-CLASS SCHOOL DISTRICTS. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

~~((All adopted appropriation resolutions adopted pursuant to this section shall be filed with the superintendent of public instruction, the office of the state auditor, the educational service district and the appropriate county auditor.))~~ Three copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy each to the superintendent of public instruction and

the appropriate county auditor. One copy shall be retained by the educational service district. The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30. The final date for adopting appropriation resolutions extending budgets for any emergency as stated above shall be August 31. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The revised budget shall be ~~((on forms provided))~~ in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the dates specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

#### AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made ~~((on forms provided))~~ in the format prescribed by the superintendent of public instruction. ~~((Five))~~ Four copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day. The final date for receiving requests for budget extensions for emergencies defined in WAC 392-123-071 shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

Copies of all appropriation resolutions approved by the superintendent of public instruction shall be filed by the superintendent of public instruction with the educational service district, ((the state auditor,)) and the appropriate county auditor.

#### AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-076 IDENTIFICATION OF BALANCED BUDGET. For each fund contained in the school district budget the estimated ~~((disbursements))~~ expenditures for the ~~((ensuing))~~ budgeted fiscal period must not be greater than the total of the estimated revenues for the ~~((ensuing))~~ budgeted fiscal period, plus the ((probable net cash balance and investments)) estimated fund balance at the ((close)) beginning of the ((current)) budgeted fiscal period, less the estimated reserved fund balance at the end of the budgeted fiscal period and the

projected revenue from receivables collectible in future periods as approved by the superintendent of public instruction for inclusion in the budget.

~~(The budget shall be considered a balanced budget if the above requirement is met. PROVIDED, That in the general fund, estimated revenue, plus beginning net cash and investments, must exceed cash disbursements by an amount equal to or greater than cash reserves mandated by law or judicial action plus the mandated cash reserve for transportation equipment as required by RCW 28A.41.160.)~~

The proceeds of any interfund loan must not be used to balance the budget of the borrowing fund.

#### AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-078 REVIEW OF FIRST-CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First-class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

The review shall include data entry and edit of the school district budget in the manner prescribed by the superintendent of public instruction.

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said review shall include but is not limited to completion of data entry and edit, review of revenues and ~~((net cash and investments))~~ reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget of budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

#### AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET EXTENSIONS. Budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

The review shall include data entry and edit of the school district in the manner prescribed by the superintendent of public instruction.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said review shall include, but is not limited to, completion of data entry and edit, review of revenues and ~~((net cash and investments))~~ reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.65.430 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and ~~((net cash and investments))~~ reserved and unreserved fund balances for accuracy, appropriateness of expenditures,

and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

#### AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-095 BUDGET AS NONCOMPLIANT AND UNSOUND. A school district shall submit a revised budget within thirty days following the date the superintendent of public instruction issues a written ~~((directive))~~ notice requiring the district to do so. The revised budget shall comply with state statutory law and this chapter. ~~((The revised budget shall incorporate such improvements as are necessitated by the superintendent's findings issued pursuant to WAC 392-123-085.))~~

#### AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-115 MONTHLY BUDGET STATUS REPORTS. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the ~~((cash and investment))~~ fund balance at the beginning and end of the period being analyzed. State form F-198, which is entitled "The Budget Status Report" and also is found in the state form F-196, is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. A section of the budget status report for the general fund shall indicate an analysis of any change in the amount of investments of general fund moneys and shall display investment earnings and the fund to which they are credited. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

#### AMENDATORY SECTION (Amending Order 81-18, filed 9/24/81)

WAC 392-123-120 STATEMENT OF FINANCIAL CONDITION—FINANCIAL POSITION OF THE SCHOOL DISTRICT. The administration of each school district ~~((which is required to maintain a double-entry accounting system))~~ shall be required to provide the board of directors of the district with a statement of financial condition monthly. The "statement of financial condition" in state form F-196, is an example of the type of format and level of information necessary for this report.

#### AMENDATORY SECTION (Amending Order 82-13, filed 9/14/82)

WAC 392-123-140 INTERFUND LOANS ALLOWABLE. Loans are allowable to the general fund, the transportation vehicle fund, the ~~((building and))~~ capital projects fund and the ~~((bond interest and redemption))~~ debt service fund. Loans are allowable from the general fund and the ~~((building and))~~ capital projects fund. Loans shall not be made ~~((from any fund))~~ to the detriment of any function or project for which the fund was established.

#### NEW SECTION

WAC 392-123-170 PROCEEDS FROM THE SALE OF SCHOOL DISTRICT REAL PROPERTY. Pursuant to RCW 28A.58.0461 the proceeds from any sale of school district real property by a board of directors shall be deposited to the debt service fund and/or the capital projects fund, except for amounts required to be expended for the costs associated with the sale of such property, which moneys may be deposited into the fund from which the expenditure was incurred.

#### NEW SECTION

WAC 392-123-175 PROCEEDS FROM THE LEASE, RENTAL OR OCCASIONAL USE OF SURPLUS PROPERTY. Pursuant

to RCW 28A.58.035 each school district's board of directors shall deposit moneys derived from the lease, rental or occasional use of surplus school property as follows:

- (1) Moneys derived from real property shall be deposited into the district's capital projects fund except for moneys required to be expended for general maintenance, utility, insurance costs, and any other costs associated with the lease or rental of such property, which money shall be deposited in the district's general fund;
- (2) Moneys derived from pupil transportation vehicles shall be deposited in the district's transportation vehicle fund;
- (3) Moneys derived from other personal property shall be deposited in the district's general fund.

**NEW SECTION**

WAC 392-123-180 BOND PROCEEDS. Money derived from the sale of bonds, including interest earnings thereof, shall be deposited in the capital projects fund and may only be used for the following purposes as enumerated in RCW 28A.51.010.

- (1) Funding outstanding indebtedness or bonds theretofore issued; or
- (2) Purchase of sites for all buildings, playgrounds, physical education and athletic facilities and structures authorized by law or necessary or proper to carry out the functions of a school district; or
- (3) Erecting all buildings authorized by law, including but not limited to those listed immediately above or necessary or proper to carry out the functions of a school district, and providing necessary furniture, apparatus, or equipment; or
- (4) Improving the energy efficiency of school district buildings and/or installing systems and components to utilize renewable and/or inexhaustible energy resources; or
- (5) Major and minor structural changes and structural additions to buildings, structures, facilities and sites necessary or proper to carrying out the functions of the school district.

Accrued interest paid for bonds sold shall be deposited in the debt service fund.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 392-123-085 MEETING TO REVIEW BUDGET AFTER DETERMINED UNSOUND—FINDINGS ISSUED.

**WSR 83-17-057**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 83-5—Filed August 17, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Superintendent of Public Instruction—Administrative practice and procedures, chapter 392-101 WAC.

This action is taken pursuant to Notice No. WSR 83-14-087 filed with the code reviser on July 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 34.04.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 16, 1983.

By Frank B. Brouillet  
 Superintendent of Public Instruction

**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 83-17-058**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 83-6—Filed August 17, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Maintenance and operation levy limits, chapter 392-139 WAC.

This action is taken pursuant to Notice No. WSR 83-14-090 filed with the code reviser on July 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 84.52.0531(7) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 16, 1983.

By Frank B. Brouillet  
Superintendent of Public Instruction

### NEW SECTION

WAC 392-139-001 ~~A~~<sup>A</sup> **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 ~~P~~<sup>P</sup> **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 ~~D~~<sup>D</sup> **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(<sup>n</sup>)": (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( $\frac{7}{8}$ ), 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 392-139-021 ✓ 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 sess. and deferrals of receipts pursuant to RCW 28A.48.010.

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 83-17-059**

**ADOPTED RULES**

**SUPERINTENDENT OF  
PUBLIC INSTRUCTION**

[Order 83-7—Filed August 17, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instructions, and requirements, chapter 392-140 WAC.

This action is taken pursuant to Notice No. WSR 83-14-009 filed with the code reviser on June 24, 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 section 92, chapter 340, Laws of 1981, 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 August 16, 1983.

By Frank B. Brouillet  
Superintendent of Public Instruction

**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 instruction as 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.

((20)) (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.

((21)) (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 basis 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((20))(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((2+))(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 83-17-060**

**ADOPTED RULES**

**SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 83-8—Filed August 17, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Grants management—Elementary and Secondary Education Act—Title I program, regular, chapter 392-163 WAC.

This action is taken pursuant to Notice No. WSR 83-14-091 filed with the code reviser on July 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 28A.02.100 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 16, 1983.

By Frank B. Brouillet  
Superintendent of Public Instruction

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 ((392-163-210)) 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 83-17-061

EMERGENCY RULES

SUPERINTENDENT OF  
PUBLIC INSTRUCTION

[Order 83-9—Filed August 17, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Definitions—Enrolled and full-time equivalent student, WAC 392-121-105.

I, Frank B. Brouillet, 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 need to apply to programs in effect for July and August 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 28A.41-.170 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 17, 1983.

By Frank B. Brouillet  
Superintendent of Public Instruction

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

**WAC 392-121-105 DEFINITIONS—ENROLLED AND FULL-TIME EQUIVALENT STUDENT.** As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: **PROVIDED**, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: **PROVIDED FURTHER**, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time equivalent students" shall mean the quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time equivalent students which is obtained by subtracting the district's average annual full-time equivalent students in the current school year from the district's average annual full-time equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: **PROVIDED**, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) Except as provided in subsection (8) below, no student shall be counted as more than one full-time equivalent for purposes of basic education allocation.

(8) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time-equivalent students based upon actual enrollment in such vocational skills centers in the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one full-time-equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

**WSR 83-17-062  
PROPOSED RULES  
SUPERINTENDENT OF  
PUBLIC INSTRUCTION**  
[Filed August 17, 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 Definitions—Enrolled and full-time equivalent student, WAC 392-121-105;

that the agency will at 9:00 a.m., Wednesday, September 28, 1983, in the Old Capitol Building, 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 October 10, 1983.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 1983.

Dated: August 17, 1983

By: Frank B. Brouillet  
Superintendent of Public Instruction

### STATEMENT OF PURPOSE

Rule: WAC 392-121-105.

Rule Section(s): WAC 392-121-105, Definitions—Enrolled and full-time equivalent student.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To define full time equivalent student (FTE) for apportionment purposes.

Summary of the New Rule(s) and/or Amendments: To define FTE for summer school attendance in vocational skill centers.

Reasons Which Support the Proposed Action(s): Summer school attendance at vocational skill centers was approved in the biennial budget act for the 1983-85 biennium.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bruce Brennan, SPI, 3-1066.

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): [No information supplied by agency]

### AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-105 DEFINITIONS—ENROLLED AND FULL-TIME EQUIVALENT STUDENT. As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: PROVIDED, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: PROVIDED FURTHER, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time equivalent students" shall mean the quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time equivalent students which is obtained by subtracting the district's average annual full-time equivalent students in the current school year from the district's average annual full-time equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: PROVIDED, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW 28A.35.010 for students who meet the entry age requirements pursuant to WAC 180-16-166.

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) Except as provided in subsection (8) below, no student shall be counted as more than one full-time equivalent for purposes of basic education allocation.

(8) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time-equivalent students based upon actual enrollment in such vocational skills centers in the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one full-time-equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

### WSR 83-17-063

#### EMERGENCY RULES

#### DEPARTMENT OF LICENSING

#### (Dental Hygiene Examination Committee)

[Order PL 443—Filed August 17, 1983]

Be it resolved by the Dental Hygiene Examination Committee, acting at Olympia, Washington, that it does adopt the annexed rules relating to dental hygiene examination.

We, the Dental Hygiene Examination Committee, 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 without emergency adoption the dental hygiene examination scheduled for September 12-16, 1983, could not take place.

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

This rule is promulgated pursuant to section 14, chapter 168, 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 August 16, 1983.

By Peggy Conner  
Chairperson

AMENDATORY SECTION (Amending Order PL 430, filed 3/15/83)

WAC 308-25-020 THE EXAMINATION. The dental hygiene examination will consist of a written section and a practical section.

(1) Written examination: The written theory examination will cover ten (10) subject areas including inorganic chemistry, physiology, anatomy, bacteriology, anesthesia, radiography, materia medica, dental histology, principles of nursing and hygiene, and restorative dentistry: PROVIDED, That a certificate granted by the National Board of Dental Hygiene Examinations may be accepted in lieu of the written examination: PROVIDED, FURTHER, that such applicant ~~((may))~~ will also be required to successfully complete a written examination covering anesthesia, restorative dentistry, ~~((or))~~ and other ~~((kindred))~~ subjects.

(2) Practical examination: The practical examination will ~~((be))~~ include:

(a) a clinical demonstration of a prophylaxis case to consist of the removal of deposits from and the polishing of the surfaces of the teeth.

(i) Patients must be attained by the applicant and be at least eighteen (18) years of age with a minimum of twenty-four (24) teeth. A patient shall not be a dentist, dental student, dental hygienist, or dental hygiene student. It is not recommended that patients be selected who have advanced stages of periodontal involvement, such as 6 mm sulcus depth with moderate degrees of alveolar bone loss. Patients must have sufficient supragingival and subgingival calculus and stain to provide a suitable test. Applicant will be required to furnish radiographs and a patient health history as specified. If case is not adequate for testing the applicant's competency, patient will be rejected.

(ii) Case history - forms to be furnished by the committee.

(iii) The applicant must furnish a specified series of radiographs which will remain with the committee. Unless otherwise authorized by the committee, the same patient will be used for patient case history, prophylaxis, anesthetic administration and radiographs.

(b) The applicant will be required to demonstrate the administration of a local anesthetic. The applicant will furnish anesthesia armamentarium using anesthetic solution with no vaso-constrictor unless otherwise authorized by the committee.

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

AMENDATORY SECTION (Amending Order PL 398, filed 5/14/82)

WAC 308-25-030 EXAMINATION RESULTS.

(1) In order to pass the examination the applicant must ~~((attain))~~:

(a) ~~((An average grade))~~ Attain a score of 65% in the written theory examination section, OR submit proof of

successful completion of National Board of Dental Hygiene Examination and a score of ~~((65%))~~ 75% in any required additional written examination; and

~~((b))~~ ~~((an average grade of 75% in the practical examination;))~~ successfully complete the patient case history and oral prophylaxis practical examination;

(c) successfully complete the anesthetic practical examination.

~~((2))~~ ~~Applicants who fail either section of the examination (practical or written) may retake the section they failed (practical or written) by again completing an application and submitting the appropriate fee to the division of professional licensing.)~~

~~((3))~~ (2) Applicants who fail to appear for examination will forfeit the examination fee.

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 672, filed 3/2/82)

WAC 308-25-070 DISMISSAL FROM EXAMINATION. Any applicant whose conduct interferes with the evaluation of professional competency by the ~~((director or the director's authorized agent))~~ committee may be dismissed from examination and all of his or her work will be rejected. Such conduct will include but not be limited to the following:

(a) Giving or receiving aid, either directly or indirectly, during the examination process.

(b) Failure to follow directions relative to the conduct of the examination, including termination of procedures.

WSR 83-17-064  
EXECUTIVE ORDER  
OFFICE OF THE GOVERNOR  
[EO 83-11]

ESTABLISHMENT OF THE GOVERNOR'S  
EMERGENCY COMMISSION ON PRISON  
OVERCROWDING

The state of Washington is experiencing a crisis in its prison system. The population in the Reception Unit at the Washington Correctional Center is at 238 percent of rated capacity; the main section of the Washington State Penitentiary is at 159 percent of rated capacity; and the Washington State Reformatory is at 131 percent of rated capacity.

The population at these institutions consists primarily of offenders who have committed acts of violence. These individuals become increasingly dangerous and unmanageable as the prison population grows larger.

In order to reduce prison population without endangering public safety, the Executive and the Legislature worked together to enact the Prison Overcrowding Act of 1982. While this program has helped to stabilize the prison population at an overall rated capacity of 131 percent, it is experiencing diminishing returns as the eligible offender pool is reduced.

We have called upon county and city governments to help the state by taking offenders into their jails. However, available space at the local level is severely limited.

In order to consider a broader range of options to relieve the prison overcrowding situation and to increase public awareness and understanding of the problem, it is desirable that an emergency commission be established to study the issue and make recommendations. The Commission shall consist of citizens, state and local officials, and criminal justice professionals.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, by virtue of the authority vested in me, do hereby order and direct the following:

- A. An advisory commission shall be established to be known as the Governor's Emergency Commission on Prison Overcrowding.
- B. The Commission shall be appointed by the Governor and consist of: a police chief, a sheriff, a representative from the court system, a representative of the Washington Association of Prosecuting Attorneys, a prosecutor, the Secretary of the Department of Corrections, the Attorney General, the Chairman of the Board of Prison Terms and Paroles, the Director of the Office of Financial Management, the Secretary of the Department of Social and Health Services, a member of the Sentencing Guidelines Commission, a representative from county government, a representative from city government, a member of the Washington Council on Crime and Delinquency, four members of the legislature, one from each caucus, and nine citizen members.
- C. The Governor shall appoint the chairperson of the Commission.
- D. The Commission shall examine the causes and conditions of the prison overcrowding situation and consider methods for relief.
- E. The Commission shall submit a report on its findings and recommendations to the public, to the Governor, and to the legislature by December 19, 1983.

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 17th day of August, A.D., nineteen hundred and eighty-three.

John Spellman

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

**WSR 83-17-065**  
**EMERGENCY RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Order 190—Filed August 18, 1983]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to exit leave, amending WAC 356-18-105.

We, the State 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 this amendment is currently in effect on an emergency basis. To keep this rule amendment effective until the permanent adoption date is effective, the State Personnel Board adopted this rule on an emergency basis concurrently with permanent adoption.

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

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 11, 1983.

By Leonard Nord  
Secretary

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.~~

**WSR 83-17-066**  
**PROPOSED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Filed August 18, 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 Transportation—Operation rules, chapter 392-145 WAC;

that the agency will at 9:00 a.m., Wednesday, September 28, 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 October 10, 1983.

The authority under which these rules are proposed is RCW 46.61.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 1983.

Dated: August 17, 1983

By: Frank B. Brouillet

Superintendent of Public Instruction

**STATEMENT OF PURPOSE**

Rule: Chapter 392-145 WAC, Transportation—Operation rules.

Rule Section(s): WAC 392-145-001 Authority; and 392-145-010 Seating and seatbelt requirements.

Statutory Authority: RCW 46.61.380.

Purpose of the Rule(s): [No information supplied by agency]

Summary of the New Rule(s) and/or Amendments: WAC 392-145-001 cites RCW 46.61.380 for authority for this chapter; and 392-145-010, excludes the waiver process for seating and seatbelt requirements.

Reasons Which Support the Proposed Action(s): The authority section is a requirement of state law. The no standing requirement is a preferable state policy.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI,

3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

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): [No information supplied by agency]

NEW SECTION

WAC 392-145-001 AUTHORITY. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to cover the operation of all school buses transporting common school students.

AMENDATORY SECTION (Amending Order 10-69, filed 11/9/69)

WAC 392-145-010 SEATING AND SEATBELT REQUIREMENTS. (1) No school bus shall be operated unless each passenger aboard has been provided with a safe seat of sufficient size to accommodate each such passenger(~~(- PROVIDED, That this requirement may be waived by the superintendent of public instruction pursuant to a petition filed by a school district. Said petition shall (a) set forth the justification or necessity for allowance of standees, (b) a description of the nature and length of the routes in connection with which a waiver is requested, (c) the number of passengers which will be required to stand, and (d) a plan adopted by the board of directors of the school district for provision of sufficient seating and the elimination of standees which includes the time schedule and means of accomplishing the same)).~~

(2) There shall be no auxiliary seating accommodations such as temporary or folding jump seats in any school bus.

(3) Drivers of school buses shall be required to wear seat and/or lap belts whenever the vehicle is in motion.

(4) Passengers in school buses equipped with lap belts shall be required to wear them whenever the bus is in motion.

**WSR 83-17-067**

**ADOPTED RULES**

**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**

[Order 83-11—Filed August 18, 1983]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Nonresident attendance, chapter 392-137 WAC.

This action is taken pursuant to Notice No. WSR 83-14-088 filed with the code reviser on July 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 28A.58-.242 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 17, 1983.

By Frank B. Brouillet  
 Superintendent of Public Instruction

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.((2)) 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 un-deeded 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 resident 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 ~~((of))~~ ~~((for))~~ for nonresident students and ~~((of))~~ ~~((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

((2)) (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 83-17-068

EMERGENCY RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 400—Filed August 19, 1983]

I, Brian Boyle, director of the Department of Natural Resources, do promulgate and adopt at Room 201, Public Lands Building, Olympia, Washington 98504, the annexed rules relating to this order adds several new sections to chapter 332-30 WAC, aquatic land management. These rules establish regulations for determining rental rates, credits and refunds for leases of aquatic lands, as required under ESSB 3290 (chapter 2, Laws of

1983 2nd ex. sess.). The rules set the methods by which a 6 percent per year limit on rental rate increases, overpayment credits and refunds will be applied to existing leases, re-leases, lease renewals and new leases from April 3, 1982, to September 30, 1984.

I, Brian 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 1983 legislature required that the Department of Natural Resources adopt rules to implement ESSB 3290 within ninety days of the effective date of the act. For this reason, I am adopting emergency rules to take effect immediately and will adopt permanent rules within ninety days under adoption of permanent rules procedures.

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

This rule is promulgated pursuant to RCW 79.01.525 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 19, 1983.

By Brian J. Boyle  
Commission of Public Lands

**Reviser's note:** The following appear to be new sections, but were not designated as such by the agency filing this order. Pursuant to RCW 34.08.040, the sections are published in the same form as filed by the agency.

**WAC 332-30-200 PURPOSE - LEASE RATE RULES.** WAC 332-30-200 through 230 establishes regulations for determining rental rates, credits and refunds for leases of aquatic lands to the first due date following September 30, 1984, as required under ESSB 3290 (Ch. 2, Laws of 1983, 2nd ex. sess.). If there is conflict between these regulations and WAC 332-30-125, these regulations will apply.

**WAC 332-30-205 SCOPE - LEASE RATE RULES.** WAC 332-30-200 through 230 will apply to existing leases, re-leases, lease renewals and new leases except those issued for prospecting and filled tide/shore lands with non-waterfront upland characteristics. These sections do not apply to the following: (1) shellfish agreements with rental rates established by competitive bid, (2) material removal agreements, (3) use and occupancy permits, (4) easements, (5) deep water disposal permits, and (6) mineral mining contracts.

**WAC 332-30-210 DEFINITIONS - LEASE RATE RULES.** The following definitions shall apply in WAC 332-30-200 through 230. Additional definitions may be found in WAC 332-30-106.

(1) "Adjustment factor" is .0001644 and is equal to  $.06 \div 365$  days.

(2) "Date of issuance" shall mean the date the lease commences as specified in the contract.

(3) "Due date" shall mean that day each year when the rent is to be paid, as specified in the contract.

(4) "Overpayment" shall mean that portion of the rent paid after April 3, 1982, that is more than the rent permitted under this law.

(5) "Prevailing Rent" shall mean the annual rent in effect for that particular lease on January 1, 1981, including stairstepped or other incremental payments, adjusted in proportion to any changes in the acreage under lease, but not including the leasehold tax. If the lease was not in effect on January 1, 1981, the "Prevailing Rent" shall be the average of the prevailing rents per acre for similar leases.

(6) "Similar Leases" shall mean leases of comparable public tidelands, shorelands, beds of navigable waters, and harbor areas for like uses within the same general area, considering the access, zoning, size, shape and topography.

(7) "Termination" shall mean the expiration or conclusion of a lease agreement. The effective date of the termination shall be that of the expiration date or the Department Order, whichever is earlier.

**WAC 332-30-215 RENTAL RATES - LEASES ISSUED PRIOR TO APRIL 3, 1982.** The annual rental rate from April 3, 1982 until the following due date shall be the sum of: (1) the prevailing rent plus (2) the prevailing rent (times) the adjustment factor (times) the number of days from January 1, 1981 to April 3, 1982. On the due date following April 3, 1982 the annual rental rate shall be increased to the sum of: (1) the rent effective on April 3, 1982 plus (2) the prevailing rent (times) the adjustment factor (times) the number of days between April 3, 1982 and the following due date. Rental rates for each year thereafter shall be increased to the sum of: (1) the previous year's rent plus (2) the prevailing rent (times) 6 percent. **PROVIDED**, however, that no lease will have its rental rate increased above any rates previously set for the period from April 3, 1982 to September 30, 1984.

**WAC 332-30-220 RENTAL RENTS - LEASES ISSUED AFTER APRIL 3, 1982.** The first year's rent shall be the sum of: (1) the prevailing rent plus (2) the adjustment factor (times) the number of days from January 1, 1981 to the date of issuance (times) the prevailing rent. Rental rates for each year thereafter shall be increased to the sum of: (1) the previous year's rent plus (2) the prevailing rent (times) 6 percent. **PROVIDED**, however, that no lease will have its rental rate increased above any rates previously set for the period from April 3, 1982 to September 30, 1984.

**WAC 332-30-225 OVERPAYMENT CREDIT.** If the lessee has paid more rent for the period after April 3, 1982 than the rent allowed under WAC 332-30-215 and 220, the overpayment will first be applied by the Department to the lease from which it was earned (up to the first due date following September 30, 1984) then to other leases held by the same lessee.

**WAC 332-30-230 OVERPAYMENT REFUND.** If a lease terminates between June 13, 1983, (the effective date of Ch. 2, Laws of 1983, 2nd ex. sess.) and before September 30, 1984, without full credit being granted, a refund will be paid to the lessee provided that the lease is paid up and the lessee is in compliance with the terms. At the request of the lessee a refund will be applied by the Department to other leases held by the same lessee.

**WSR 83-17-069**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Filed August 19, 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 child care licensing requirements, amending chapter 388-73 WAC.

A public hearing regarding these proposed rules was held on June 10. The purpose of this notice is to postpone adoption for 30 days to give the secretary additional time to consider public testimony.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 15, 1983.

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

The specific statute these rules are intended to implement is RCW 74.15.030.

This notice is connected to and continues the matter in Notice Nos. WSR 83-09-047, 83-13-065 and 83-16-006 filed with the code reviser's office on April 20, 1983, June 16, 1983, and July 21, 1983.

Dated: August 15, 1983  
By: David A. Hogan, Director  
Division of Administration and Personnel

**WSR 83-17-070**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
[Order 2008—Filed August 19, 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.

This action is taken pursuant to Notice No. WSR 83-14-008 filed with the code reviser on June 24, 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 August 17, 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)) <u>465</u>
2	((560)) <u>588</u>
3	((692)) <u>728</u>
4	((814)) <u>856</u>
5	((939)) <u>986</u>
6	((1,064)) <u>1,119</u>
7	((1,230)) <u>1,293</u>
8	((1,362)) <u>1,430</u>
9	((1,494)) <u>1,571</u>
10 or more	((1,624)) <u>1,707</u>

(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)) <u>176</u>
2	((249)) <u>255</u>
3	((330)) <u>338</u>
4	((411)) <u>421</u>
5	((492)) <u>504</u>
6	((572)) <u>586</u>
7	((653)) <u>669</u>
8	((734)) <u>752</u>
9	((815)) <u>835</u>
10 or more	((896)) <u>918</u>

(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)) <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	((974)) <u>998</u>
10 or more	((1,058)) <u>1,084</u>

(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)) <u>176</u>
2	((249)) <u>255</u>
3	((330)) <u>338</u>
4	((411)) <u>421</u>
5	((492)) <u>504</u>
6	((572)) <u>586</u>
7	((653)) <u>669</u>
8	((734)) <u>752</u>
9	((815)) <u>835</u>
10 or more	((887)) <u>918</u>

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

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

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:

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	Standard	Federal SSI Benefit	State Supplement
<b>Area I</b>			
Living alone			
Individuals	<del>\$(322.60)</del> 342.60	<del>\$(284.30)</del> 304.30	\$ 38.30
Couples			
Both eligible	<del>((462.80 - 426.40))</del> 492.80	<del>426.40</del> 456.40	36.40
With essential person	<del>((462.80 - 426.80))</del> 492.80	<del>426.80</del> 456.80	36.00
With ineligible spouse	<del>((462.80 - 284.30 - 178.50))</del> 492.80	<del>284.30</del> 304.30	<del>178.50</del> 188.50
<b>Area II</b>			
Living alone			
Individuals	<del>((302.15 - 284.30))</del> 322.15	<del>284.30</del> 304.30	17.85
Couples			
Both eligible	<del>((432.85 - 426.40))</del> 462.85	<del>426.40</del> 456.40	6.45
With essential person	<del>((432.85 - 426.80))</del> 462.85	<del>426.80</del> 456.80	6.05
With ineligible spouse	<del>((432.85 - 284.30 - 148.55))</del> 462.85	<del>284.30</del> 304.30	<del>148.55</del> 158.55
Shared Living			
Individuals	<del>((202.22 - 189.54))</del> 215.55	<del>189.54</del> 202.87	12.68
Couples			
Both eligible	<del>((300.17 - 284.27))</del> 320.17	<del>284.27</del> 304.27	15.90
With essential person	<del>((300.17 - 284.54))</del> 320.17	<del>284.54</del> 304.54	15.63
With ineligible spouse	<del>((300.17 - 189.54 - 110.63))</del> 320.17	<del>189.54</del> 202.87	<del>110.63</del> 117.30

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

**WSR 83-17-071**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2009—Filed August 19, 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.

This action is taken pursuant to Notice No. WSR 83-14-026 filed with the code reviser on June 30, 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 August 17, 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 83-17-072**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2010—Filed August 19, 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.

This action is taken pursuant to Notice No. WSR 83-14-025 filed with the code reviser on June 30, 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 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 August 17, 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	\$ <del>((507))</del> 527
2	<del>((674))</del> 709
3	<del>((841))</del> 891
4	<del>((1,008))</del> 1,073
5	<del>((1,175))</del> 1,255
6	<del>((1,342))</del> 1,437
7	<del>((1,508))</del> 1,619
8	<del>((1,675))</del> 1,801
9	1,983
10	2,165
Each additional person	+ <del>((167))</del> 182

Effective ~~((July 1, 1982))~~ July 1, 1983,  
 Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ <del>((390))</del> 405
2	<del>((519))</del> 545
3	<del>((647))</del> 685
4	<del>((775))</del> 825
5	<del>((904))</del> 965
6	<del>((1,032))</del> 1,105
7	<del>((1,160))</del> 1,245
8	<del>((1,289))</del> 1,385
9	<del>((1,418))</del> 1,525
10	<del>((1,547))</del> 1,665
Each additional member	+ <del>((129))</del> 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	\$ <del>((644))</del> 669
2	<del>((856))</del> 900
3	<del>((1,067))</del> 1,131
4	<del>((1,279))</del> 1,362
5	<del>((1,491))</del> 1,593
6	<del>((1,702))</del> 1,824
7	<del>((1,914))</del> 2,055

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Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
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 83-17-073**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Order 2011—Filed August 19, 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.

This action is taken pursuant to Notice No. WSR 83-14-024 filed with the code reviser on June 30, 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 August 17, 1983.

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

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.

#### 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 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—CHIRO-PRACTIC 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 one x-ray per area, per year.

(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 83-17-074**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**

[Order 2012—Filed August 19, 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.

This action is taken pursuant to Notice No. WSR 83-14-044 filed with the code reviser on July 1, 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 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 August 17, 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. Prospective rates shall include an adjustment for 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.

(3) Rates may be adjusted for:

(a) 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;

(b) Capital additions, improvements, or replacements made at a facility which are approved by the department as a condition of licensure or certification; or

(c) 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 (2) 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 regulations and instructions issued by the department.

(2) If the analysis finds the cost report or financial statements are not correctly determined or reported, 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, and nursing 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)) applicable state and federal laws and regulations.

~~((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)) (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 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 non-wage 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 non-wage costs determined by the following formula:

$$AS = SS \times DR$$

(i) "AS" is the amount to be subtracted from administration and operations non-wage 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 non-wage costs minus the non-wage 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 non-wage. The wage component rate will reimburse for staff, excluding the administrator, assistant administrator, and/or administrator-in-training, providing administrative and operations services prescribed in subsection (1) of this section. The non-wage 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 non-wage 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 83-17-075**

**NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION  
[Memorandum—August 18, 1983]**

The Washington State Human Rights Commission attempted to convene the special commission meeting scheduled for 10:00 a.m., August 18, 1983, by conference call. However, due to the lack of a quorum, it was necessary to reschedule the telephone conference call. The time and date selected were as follows: August 19, 1983, at 2:00 p.m. The call will be originated from the commission clerk's office, 402 Evergreen Plaza Building, Olympia, Washington 98504, telephone number (206) 753-6770.

**WSR 83-17-076**

**EMERGENCY RULES  
DEPARTMENT OF FISHERIES  
[Order 83-95—Filed August 19, 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.

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, 6C, 7, and 7A provide protection for summer/fall chinook during IPSFC sockeye and pink management. Restrictions in Area 7C and the Samish River protect milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and Strait of Juan de Fuca tributaries provide protection for local chinook stocks (and pink stocks in Area 6D and the Dungeness and Elwha rivers). Restrictions in Area 12C provide protection for summer/fall chinook and pink salmon returning to Hoodsport Hatchery. Restrictions in Areas 7B, 8, 8A, 11A, 12, 12B, Nooksack, Puyallup, Nisqually, Snohomish and Stillaguamish rivers provide protection for weak Puget Sound pink stocks (and summer/fall chinook run in Area 8 and the Skagit River). Restrictions in Areas 6B, 9, 10, 11, and 13 provide protection for Deschutes River chinook and local pink stocks. Restrictions in Area 13B protect Deschutes River chinook. Restrictions in 10B, 10C, 10D, Cedar River are least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye.

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

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



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

APPROVED AND ADOPTED August 19, 1983.

By William R. Wilkerson  
Director

### NEW SECTION

WAC 220-28-313 **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, and 6C – Effective through September 3, drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Areas 6 and 6A – Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*\*Area 6B – Effective through 2:00 PM August 21, gill nets restricted to 7-inch minimum mesh, when open, and purse seines prohibited. Effective 2:00 PM August 21 through September 10, closed to all commercial net fishing.*

*Area 6D and Dungeness River – Effective through September 24, closed to all commercial fishing.*

*Areas 7 and 7A – Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*\*Area 7B – Effective through August 20, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited except within that portion of Area 7B within 1/2 mile of William Point.*

*Area 7C – Closed to all commercial fishing.*

*Area 8 – Effective through September 10, closed to all commercial fishing.*

*Area 8A – Effective through September 10, gill net gear restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited.*

*\*Area 9 – Effective through 2:00 PM August 21, gill nets restricted to 7-inch minimum mesh, when open, and purse seines prohibited. Effective 2:00 PM August 21 through September 10, closed to all commercial fishing.*

*\*Area 10 – Effective through 2:00 PM August 21, gill net gear restricted to 7-inch minimum mesh, when open, and purse seines prohibited. Effective 2:00 PM August 21 through September 10, closed to all commercial fishing.*

*Area 10B – Effective through September 24, gill nets restricted to 6-1/2-inch minimum*

*mesh and all other gear must release sockeye, when open.*

*Area 10C – Effective through December 31, closed to all commercial fishing.*

*Area 10D – Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing through December 31.*

*\*Area 11 – Effective through 2:00 PM August 21, gill nets restricted to 7-inch minimum mesh, when open, and purse seines prohibited. Effective 2:00 PM August 21 through September 10, closed to all commercial fishing.*

*Area 11A – Effective through September 10, gill nets restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.*

*Areas 12 and 12B – Effective through September 3, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Area 12C – Effective through September 30, closed to all commercial fishing within 1,000 feet of the western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park.*

*\*Area 13 – Effective through 2:00 PM August 21, excluding (1) that portion north of a line from Green Point on the eastern shoreline of Carr Inlet to the flashing signal beacon #4 on the west shoreline, and (2) that portion of Chambers Bay east of the railroad trestle, gill net gear is restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited. Effective 2:00 PM August 21 through September 17, excluding (1) that portion of Hale Pass inside and north of a line running 24° true from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge, (2) that portion of Chambers Bay east of the railroad trestle, and (3) that portion north of a line from Green Point on the eastern shoreline of Carr Inlet to the flashing signal beacon #4 on the west shoreline, closed to all commercial fishing. Effective through October 1 in that portion of Hale Pass inside and north of a line running 24° true from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge, gill nets restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*\*Area 13B – Effective 2:00 PM August 21 through September 24, excluding those waters (1) north of a line projected due east*



from the southern tip of Stretch Island to the opposite shore, (2) those waters southwest of a line projected south from Arcadia to the northern tip of Steamboat Island, and (3) those waters southwest of a line projected from Cooper Point to the southeastern shore of Sanderson Harbor, closed to all commercial fishing.

*Cedar River* – Closed to all commercial fishing through December 31.

*\*Nooksack River* – Mouth to Marietta Bridge, effective through August 20, commercial net gear restricted to 7-inch minimum mesh, when open; Marietta Bridge to the confluence of the north and south forks, effective through September 1, gill net gear restricted to 7-1/2-inch minimum mesh, when open; upstream of the confluence of north and south forks, closed to all net gear.

*Puyallup River* – Effective through September 10, gill nets restricted to 7-1/2-inch minimum mesh, when open.

*Nisqually River* – Effective through September 24, gill net gear restricted to 7-1/2" minimum mesh, when open.

*Stillaguamish and Snohomish rivers* – Effective through September 10, gill net gear restricted to 7-1/2" minimum mesh, when open.

*Skagit River* including all tributaries – Effective through September 10, closed to all commercial fishing.

*Samish River* – Closed to all commercial fishing.

*Elwha, Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks* – Effective through September 24, closed to all commercial fishing.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-28-312 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-94)

#### WSR 83-17-077

#### EMERGENCY RULES

#### DEPARTMENT OF FISHERIES

[Order 83-96—Filed August 19, 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.

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, 6C, 7, 7A provide protection for Canadian and Puget Sound chinook during sockeye and pink fisheries under the direction of IPSFC. Openings in Areas 7B, 8A, 12, and 12B provide opportunity to harvest non-Indian chinook allocations. All other areas are closed to prevent overharvest. Troll restrictions in Areas 4B, 5, 6C provide protection for chinook and coho stocks.

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

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

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

APPROVED AND ADOPTED August 19, 1983.

By William R. Wilkerson  
Director

#### NEW SECTION

WAC 220-47-805 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 4B* – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear is restricted to 5-7/8-inch maximum mesh, when open. It is unlawful to possess or land troll-caught chinook and coho harvested in Area 4B when trolling is allowed under IPSFC fishing regulations. Additionally, troll gear is restricted to bare, blued hooks and flashers when trolling is allowed under IPSFC regulations.

*Areas 5 and 6C* – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open. Trolling in Areas 5 and 6C is allowed when provided for under International Pacific Salmon Fisheries Commission regulations. Additionally, it is unlawful to land troll-caught chinook and coho harvested in Areas 5 and 6C.

*Areas 6, 6A, 7, and 7A* – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open.

*Area 7D* – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce.

*\*Area 7B - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 22 through the morning of August 25. That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeast tip of Guemes Island is closed as provided in WAC 220-47-307.*

*\*Area 8A - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 22 through the morning of August 26. The Port Gardner Preserve and the waters of Port Susan are closed as provided in WAC 220-47-307.*

*\*Areas 12 and 12B - Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 22 through the morning of August 25. That portion of Area 12 near the mouth of Big Beef Creek is closed as provided in WAC 220-47-307.*

*Areas 6B, 6D, 7C, 8, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12A, 12C, 12D, 13, 13A, 13B, and all freshwater areas - Closed.*

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-47-804 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-91)

**WSR 83-17-078**  
**PROPOSED RULES**  
**COMMISSION ON EQUIPMENT**  
 [Filed August 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning trailer tongue lamps, chapter 204-39 WAC; and standards for brake systems, chapter 204-76 WAC;

that the agency will at 10 a.m., Thursday, September 29, 1983, in the First Floor Large Conference Room, 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 46.37.005.

The specific statute these rules are intended to implement is RCW 46.37.280 and 46.37.005.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 23, 1983.

Dated: August 19, 1983  
 By: Enrique Cantu  
 Secretary

#### STATEMENT OF PURPOSE

Title: Chapter 204-39 WAC Trailer tongue lamps, and chapter 204-76 WAC, Standards for brake systems.

Description of Purpose: Chapter 204-39 WAC, to clarify the height requirement for public safety and law enforcement, and chapter 204-76 WAC, to add the definition of contamination for describing hazardous conditions of brake drums or rotor and brake lining or pad friction surfaces.

Statutory Authority: RCW 46.37.005.

Summary of Rule: Same as description of purpose.

Reasons Supporting Proposed Action: Chapter 204-39 WAC, to aid the public in compliance with this rule and to aid law enforcement in carrying out the rule, and chapter 204-76 WAC, to define contaminated brake systems and ensure safer braking conditions. The previous language did not allow for enforcement of contaminated brakes.

Agency Personnel Responsible for Drafting: Sergeant Enrique Cantu, Commission on Equipment, 4242 Martin Way, Olympia, Washington 98504, (206) 753-6569; Implementation: Commission on Equipment; and Enforcement: Washington State Patrol.

Person or Organization Proposing Rule: Commission on Equipment, Commercial Vehicle Enforcement, and the Washington Trucking Association.

Agency Comments: None.

This rule is not necessary as a result of a federal law or federal or state court decision.

AMENDATORY SECTION (Amending Order 81-08-01, filed 8/21/81)

WAC 204-39-030 USE OF LAMPS REQUIRED. (1) A steady burning or a flashing lamp, amber in color and visible to each side, shall be required on the tongue of any trailer where the distance between the front of the trailer body and the rear of the body of the towing vehicle is fifteen feet or greater, and where the ~~((tongue or any portion thereof is lower than 24 inches above the ground))~~ top of the tongue is less than twenty-four inches above the ground at any point between the front of the body of the trailer and the rear of the body of the towing vehicle.

(2) The flashing lamp permitted by this section shall include only those lamps which flash by means of an electronic or electric flasher. Strobe lamps and rotating type lamps shall not be permitted.

(3) The amber lamps required by this chapter shall be in operation whenever the combination of vehicles is in motion, and shall be visible to each side of the combination.

(4) Minimum diameter of the lamp(s) shall be two and one-half inches.

AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-030 DEFINITIONS. (1) "Air brake hose" means any flexible hose used as an integral part of a service or auxiliary (emergency stopping) air brake system, where flexibility in a connection is mandatory due to vehicle design and includes the service and emergency air hoses between vehicles in a combination of vehicles.

(2) "Air brake reservoir" means a storage container for compressed air.

(3) "Air compressor" means a device which compresses air used for actuation of the brakes and/or other components of the vehicle.

(4) "Air gauge" means a gauge usually mounted on the instrument panel which indicates the air pressure in the air reservoir tanks, brake application pressure, or other air system pressures.

(5) "Air governor" means a regulator which controls the supply of air pressure for the brake system, generally by controlling the air compressor cut-in and cut-out pressure within a preset range.

(6) "Air over hydraulic brake system" means a hydraulic type brake system actuated by an air-powered master cylinder.

(7) "Air pressure protection valve" means a unit through which air flow is prevented except when a preselected input pressure is exceeded.

(8) "Brake" means an energy conversion mechanism used to retard, stop, or hold a vehicle.

(9) "Brake assembly" means an assembly of brake parts, the components of which are determined according to the type or design of the brake system.

(10) "Brake cam" means a cam mounted on the camshaft and located between the ends of the brakeshoes. When rotated by the brake camshaft, the cam expands the brakeshoes against the brakedrum.

(11) "Brake camshaft" means the camshaft which is held to the vehicle axle housing or backing plate by bosses containing bronze or nylon bushings. Air pressure is converted into mechanical force by the brake chamber which is attached by a push rod to the slack adjuster. The slack adjuster multiplies the force by the lever principle and applies the force to the brakeshoes.

(12) "Brake chamber or actuator" means a unit in which a diaphragm converts pressure to mechanical force for actuation of the brakes.

(13) "Brake cylinder" means a unit in which a piston converts pressure to mechanical force for actuation of the brakes.

(14) "Brake master cylinder" means the primary unit for displacing hydraulic fluid under pressure in the brake system.

(15) "Brake pedal" means a foot-operated lever which, when actuated, causes the brake(s) to be applied.

(16) "Brakeshoe" means a rigid half-moon shaped device with friction material affixed to the outer surface. The brakeshoes are generally mounted on a backing plate and are located inside the brakedrum. When expanded by the brake mechanism, the brakeshoes press the brake lining against the brakedrum, which creates friction to stop the rotation of the wheels, which in turn stops the vehicle.

(17) "Brakeshoe anchor pin" means a pin which holds the brakeshoe in its proper place within the brakedrum and serves as a pivot for the brakeshoes. One end of each brakeshoe is generally connected to the backing plate or spider by anchor pins.

(18) "Brake system" means a combination of one or more brakes and the related means of operation and control.

(19) "Brake wheel cylinder" means a unit for converting hydraulic fluid pressure to mechanical force for actuation of a brake.

(20) "Contamination" means any grease, oil, or brake fluid on the brake lining, pad friction surface, or braking surface of the brake drum or rotor.

(21) "Diaphragm" means a rubber partition placed between the two halves of the brake chamber. When air pressure is introduced into the chamber on one side of the diaphragm, the pressure flexes the diaphragm and exerts force on the pushplate attached to the push rod. The pushplate is held up against the diaphragm by a light duty return spring.

((21)) (22) "Disc brake" means a brake in which the friction forces act on the faces of a disc.

((22)) (23) "Disc brake caliper assembly" means the nonrotational components of a disc brake, including its actuating mechanism for development of friction forces at the disc.

((23)) (24) "Disc (Rotor)" means the parallel-faced circular rotational member of a disc brake assembly acted upon by the friction material.

((24)) (25) "Drum" means the cylindrical rotational member of a drum brake assembly acted upon by the friction material.

((25)) (26) "Drum brake" means a brake in which the friction forces act on the cylindrical surfaces of the drum.

((26)) (27) "Foot valve" means a brake application and release valve located on the floor or firewall of the motor vehicle between the throttle and the clutch. It may be either a treadle or a pedal and is operated by foot pressure applied by the driver to apply air pressure to the service brake system. The valve may be either attached to the treadle or may be remotely mounted under the floor and connected to the pedal by means of a rod. This valve generally applies air pressure to all braking axles on all vehicles in the combination.

((27)) (28) "Hydraulic brake system" means a brake system in which brake operation and control utilizes hydraulic brake fluid.

((28)) (29) "Pedal reserve" means the amount of total pedal travel left in reserve when the brake pedal is depressed to the "brake applied" position.

((29)) (30) "Push rod" means the sliding rod projecting from a brake chamber and connected to the slack adjuster by which the force

of compressed air in the brake chamber is transmitted to the brakeshoes through connecting linkage during a brake application.

((30)) (31) "Safety valve" means a pressure release unit used to protect the air system against excessive pressure.

((31)) (32) "Service brake system" means the primary brake system used for retarding and stopping a vehicle.

((32)) (33) "Slack" means the sum of all clearances in the braking system and total system elasticity.

((33)) (34) "Slack adjuster" means a lever attached to the brake camshaft and connected to the brake chamber push rod. The slack adjuster provides a means of adjusting the brakes to compensate for brake lining wear.

((34)) (35) "Straight air brake system" means a mechanical type brake system actuated by air pressure in brake cylinders or brake chambers.

((35)) (36) "Supply air" means the air that is under pressure in the air supply system of a vehicle. It consists of those lines or tanks, except protected air tanks, which are under pressure when the system is fully charged and when all valves are in the normal position with the brakes unapplied.

((36)) (37) "Vacuum assisted hydraulic brake system" means a hydraulic type brake system which utilizes vacuum to assist the driver's effort to apply the brakes.

((37)) (38) "Vacuum brake reservoir" means a storage container for vacuum.

((38)) (39) "Wedge brake" means a wheel brake which uses air or hydraulic pressure to force wedges instead of cams between the brakeshoes to apply the shoes against the brakedrums. In air applied wedge brake systems, the brake actuator axis is parallel to the axle and pushes directly on the wedge in this direction instead of being mounted at right angles to push a slack adjuster and rotate a cam as in the conventional type of air brake system.

#### AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-040 STRAIGHT AIR BRAKES. Straight air brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for a straight air brake system shall cut in at not less than 85 pounds per square inch and shall cut out at not more than 130 pounds per square inch.

(b) Air compressor buildup time shall not be more than two minutes to increase the air pressure from 60 pounds per square inch to 90 pounds per square inch. Engine speed shall not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system shall not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses shall be measured by the air gauge in the vehicle.

(d) The air system shall contain no more than one quart of contaminants. Water and oil shall be considered contaminants.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications as set forth in WAC 204-76-99001, 204-76-99002, 204-76-99003, and 204-76-99004.

(b) Brake system components shall meet all the requirements of RCW 46.37.360.

(i) Brake hoses and their attachments shall meet the requirements of RCW 46.37.360 and shall comply with Part 393.45 of Title 49 CFR.

(ii) Brake hose splices shall consist of only those unions specifically manufactured for that purpose and shall be properly installed.

(iii) Brakedrums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(iv) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

#### AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-050 AIR OVER HYDRAULIC BRAKES. Air over hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) The air compressor for an air over hydraulic brake system shall cut in at not less than 85 pounds per square inch and shall cut out at not more than 105 pounds per square inch.

(b) Air compressor buildup time shall not be more than one minute to increase the air pressure from 60 pounds per square inch to 90 pounds per square inch. Engine speed shall not exceed 1500 RPM to meet this requirement.

(c) Air loss from the air system shall not exceed:

(i) 3 pounds per square inch per minute for a single vehicle.

(ii) 4 pounds per square inch per minute for a two vehicle combination.

(iii) 5 pounds per square inch per minute for a three or more vehicle combination. Air losses shall be measured by the air gauge in the vehicle.

(d) The air system shall contain no more than one quart of contaminants. Water and oil shall be considered contaminants.

(e) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve shall cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

**WSR 83-17-079  
PROPOSED RULES  
COMMISSION ON EQUIPMENT**

[Filed August 19, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commission on Equipment intends to adopt, amend, or repeal rules concerning equipment standards, chapter 204-10 WAC; traction devices, chapter 204-24 WAC; and wheelchair conveyances, chapter 204-92 WAC;

that the agency will at 10 a.m., Thursday, September 29, 1983, in the First Floor Large Conference Room, 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 46.37.005.

The specific statute these rules are intended to implement is chapter 215, Laws of 1983, RCW 46.37.420, and chapter 200, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 23, 1983.

Dated: August 19, 1983

By: Enrique Cantu  
Secretary

**STATEMENT OF PURPOSE**

Title: Chapter 204-10 WAC, Equipment standards; chapter 204-24 WAC, Traction devices; and chapter 204-92 WAC, Wheelchair conveyances.

Description of Purpose: Chapter 204-10 WAC, to adopt standards for child restraint systems as required by chapter 215, Laws of 1983; chapter 204-24 WAC, to require that vehicles and combinations of vehicles over 10,000 pounds have tire chains in their possession for use when conditions require; and chapter 204-92 WAC, to adopt standards for approval of wheelchair conveyances as required by chapter 200, Laws of 1983.

Statutory Authority: RCW 46.37.005, chapters 200 and 215, Laws of 1983.

Summary of Rules: Same as description of purpose.

Reasons Supporting Proposed Action: Chapter 204-10 WAC, to enhance the safety of children riding in motor vehicles; chapter 204-24 WAC, to reduce accidents and traffic congestion caused by vehicles and combinations of vehicles over 10,000 pounds in the specified areas during

AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-060 VACUUM ASSISTED HYDRAULIC BRAKES. Vacuum assisted hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) When equipped with a protected vacuum reservoir, there shall be no more than three inches drop in vacuum in one minute after turning off the engine.

(b) When not equipped with a protected vacuum reservoir, a slight drop of the brake pedal should be felt after starting the engine when moderate pressure is applied to the pedal. If a slight drop of the pedal does not occur, the vacuum system shall be deemed to be defective.

(c) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(d) The hydraulic portion of the system shall pass the following test procedures.

(i) With the engine off, a hard brake pedal application shall be made.

(ii) Pedal pressure shall be reduced but not released.

(iii) Pedal pressure shall be gradually reapplied and pedal reserve shall be checked.

(iv) No pedal reserve drop should occur. Any such drop in pedal reserve shall cause the system to be deemed defective.

(2) Brake assembly.

(a) Adjustment of all brakes shall comply with the manufacturer's recommended specifications.

(b) Brake system components shall meet all the requirements of RCW 46.37.360, and brake drums shall not be cracked or broken to the extent that such crack or break appears on the outside of the drum.

(c) Brake lining, pad friction surface, or braking surface of the brake drum or rotor shall not be contaminated with grease, oil, or brake fluid.

AMENDATORY SECTION (Amending Order 80-07-01, filed 7/25/80)

WAC 204-76-070 HYDRAULIC BRAKES. Hydraulic brake systems shall be subject to the following requirements and limitations:

(1) Supply system.

(a) Hydraulic fluid shall be maintained in excess of 50 percent of the brake master cylinder capacity.

(b) The hydraulic system shall pass the following test procedures.

(i) With the engine off, a hard brake pedal application shall be made.

(ii) Pedal pressure shall be reduced but not released.

(iii) Pedal pressure shall be gradually reapplied and pedal reserve shall be checked.

the winter months; and chapter 204-92 WAC, to provide greater mobility for handicapped persons on public roadways.

Agency Personnel Responsible for Drafting: Sergeant Enrique Cantu, Commission on Equipment, 4242 Martin Way, Olympia, WA 98504, (206) 753-6569; Implementation: Commission on Equipment; and Enforcement: Washington State Patrol and other police agencies with authority to enforce chapter 46.37 RCW.

Person or Organization Proposing Rule: Commission on Equipment and the American Tricycloped Corporation.

Agency Comments: None.

This rule is not necessary as a result of a federal law or federal or state court decision.

WAC 204-92

### WHEELCHAIR CONVEYANCES

#### NEW SECTION

WAC 204-92-010 PROMULGATION. By authority of chapter 200, Washington Session Laws of 1983, and RCW 46.37.005, the State Commission on Equipment hereby adopts the following regulations relating to a speed range and safety standards of wheelchair conveyances.

#### NEW SECTION

WAC 204-92-020 PURPOSE. The purpose of this regulation is to ensure the safety and protection of the motoring public and those persons engaged in operating a wheelchair conveyance upon a public roadway.

#### NEW SECTION

WAC 204-92-030 DEFINITION. "Wheelchair Conveyance" means any vehicle specially manufactured or designed for transportation of a physically or medically impaired person who is either wheelchair-bound or otherwise walking impaired. The vehicle may be a separate vehicle used in lieu of a wheelchair or a vehicle used for transporting the impaired person who is simultaneously occupying a wheelchair.

#### NEW SECTION

WAC 204-92-040 MINIMUM SPEED REQUIREMENTS. The wheelchair conveyance shall be equipped with a propulsion device capable of propelling the vehicle at a minimum speed of twenty miles per hour on level ground. The Commission may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

#### NEW SECTION

WAC 204-92-050 LICENSING AND EQUIPMENT REQUIREMENTS ON WHEELCHAIR CONVEYANCES. (1) Every wheelchair conveyance that is designed to travel on four wheels in contact with the ground shall be licensed as a motor vehicle and must comply with the provisions of chapter 46.37 RCW as they pertain to motor vehicle equipment.

(2) Every wheelchair conveyance that is designed to travel on not more than three wheels in contact with the ground shall be licensed as a motorcycle, unless it falls within the scope of a moped for licensing purposes, and must comply with the provisions of chapter 46.37 RCW as they relate to motorcycle equipment, provided that all wheelchair conveyances shall be equipped with turn signals as defined in RCW 46.37.200.

(3) The Commission on Equipment may grant exceptions to equipment requirements upon a determination that the safety of the motoring public and the occupants of wheel chair conveyances has been considered.

#### NEW SECTION

WAC 204-10-055 CHILD RESTRAINT SYSTEMS. Federal Motor Vehicle Safety Standard 213 is hereby adopted by reference as the standard for child restraint systems.

#### AMENDATORY SECTION (Amending Order 82-07-01, filed July 29, 1982)

WAC 204-24-030 STANDARDS FOR STUDDED TIRES. Studded tires shall meet the following specifications:

- (1) Studs shall be metal, tipped with tungsten carbide.
- (2) Metal studs shall be inserted only in a new tire or a newly-recapped tire which has molded in the tread the "pin-holes" into which metal studs are to be inserted. Studs shall not be inserted in any new tire or newly-recapped tire after it has been driven on a vehicle.
- (3) Metal studs may be installed only by the tire manufacturer, or by a tire dealer or tire jobber who shall install the metal studs in conformance with the manufacturer's specifications.
- (4) When a tire is sold or offered for sale as a studded tire or when studs are installed in a new tire or a newly-recapped tire, there shall be a minimum of seventy metal studs evenly spaced around the tread of the tire.
- (5) A tire shall contain a minimum of fifty-six metal studs at all times in order to qualify as a "studded tire" or as an approved traction device where traffic control signs marked "Chains" or "~~((Other Approved Traction Devices are))~~ Snow Tires Required" are posted.
- (6) Metal studs shall not be installed in any tire of a vehicle which has a gross vehicle weight of ten thousand (10,000) pounds or over.
- (7) School buses and fire department equipment tires are exempt from Item (6) of this regulation.

#### AMENDATORY SECTION (Amending Order 82-07-01, filed July 29, 1982)

WAC 204-24-040 TRACTION DEVICES. The following equipment items are approved by the Commission on Equipment for use as traction devices wherever traction devices are required by the Transportation Commission:

- (1) Tire chains meeting the standards in (~~WAC 204-24-020~~) chapter 204-22 WAC.
- (2) Studded tires meeting the standards in WAC 204-24-030.
- (3) (~~Garnet tires~~)
- (~~(4))~~ Snow tires. An approved snow tire shall have the following tread characteristics:
  - (a) A minimum of 4/32 inch tread, measured in the center portion of the tire at three locations equally spaced around the circumference of the tire.
  - (b) A relatively aggressive tread pattern designed primarily to provide additional starting, stopping, and driving traction on snow or ice. The tread shall have ribs, lugs, blocks or buttons the edges of which are at an angle greater than thirty degrees to the tire circumferential centerline.
  - (c) On at least one side of the tread design, the shoulder lugs protrude at least 1/2-inch in a direction generally perpendicular to the direction of travel.
  - (d) Tires manufactured to meet these specifications shall be permanently labeled on at least one sidewall with the words "Mud and Snow" or any contraction using the letters "M" and "S" (e.g. MS, M/S, M-S, M & S, etc.).
  - (~~(5))~~ (4) Special tires specifically designed to improve stopping, traction, and cornering abilities of the tire on ice or snow may be approved by the Commission on Equipment as an approved traction device.

#### AMENDATORY SECTION (Amending Order 82-07-01, filed July 29, 1982)

WAC 204-24-050 USE OF TIRE CHAINS OR OTHER TRACTION DEVICES. (1) Vehicles under 10,000 pounds gross vehicle weight.

- (a) When traffic control signs marked "Snow Tires Required" are posted by the Transportation Commission it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels at least one of the traction devices meeting the requirements of WAC 204-24-040.
- (b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive wheels

tire chains meeting the standards in (~~WAC 204-24-020~~) chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "Chains Required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive wheels are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "Snow Tires Required" or "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains (~~(in conformance with subsection (2)(b) of this section:)~~) as follows:

~~((b) When traffic control signs marked "Chains Required" are posted by the Transportation Commission it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its wheels tire chains as follows:))~~

(i) Single vehicles, including but not limited to trucks, truck-tractors, buses and school buses: A minimum of two drive tires chained, one on each side of the vehicle, both on the same axle.

(ii) Two vehicle combinations, including but not limited to truck and trailer, or truck tractor and semi-trailer: A minimum of two drive wheels chained, one on each side of the vehicle and both on the same axle, and one trailer wheel chained on the last axle of the trailer. (~~(If the trailer or semi-trailer has tandem rear axles, the chained wheel may be on either of the last two axles:))~~ Trailers or semi-trailers equipped with tandem rear axles are exempt from this requirement.

(iii) Three-vehicle combinations, including but not limited to truck tractor, semi-trailer and full trailer: A minimum of four drive wheels chained and two trailer wheels chained. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.

(iv) Combinations of vehicles specially permitted to carry over 80,000 pounds gross vehicle weight: A minimum of four drive (~~tires~~) wheels chained, (~~(all on the same axle)~~) and (~~(two)~~) one trailer wheel(~~s~~) chained(~~(one on each side)~~). The trailer wheel chain(~~s~~) shall be on the last axle of the trailer (~~(in the combination and at least one such chain shall be on a tire on the last axle, or if the trailer has tandem rear axles, the chained tire may be on either of the last two axles)~~). Except in three vehicle combinations, trailers equipped with tandem rear axles are exempt from this requirement.

(c) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains or adequate chain repair equipment for use in the event that road conditions require the use of more chains than the minimums stated in subsection (2)(~~(b)~~) (a) of this section or in the event that chains in use are broken or otherwise made useless: PROVIDED, That highway maintenance vehicles operated by the Department of Transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement.

(d) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The Commission on Equipment may approve other devices as chains if the devices are equivalent to regular chains in performance.

(e) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:

(i) I-90 - from North Bend to Cle Elum.

(ii) SR-97 - from SR-2 to I-90.

(iii) SR-2 - from Leavenworth to Index.

(iv) SR-12 - from Packwood to Naches.

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington State Transportation Commission or Washington State Patrol may prohibit any vehicle from entering a chain/snow tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

AMENDATORY SECTION (Amending Order 7607, filed September 14, 1976)

WAC 204-24-070 APPROVAL OF TIRE CHAINS OR TRACTION DEVICES. Any tire chain, wheel chains, studded tires(~~(s)~~), or other traction devices meeting the standards in (~~WAC 204-24-020~~) chapter 204-22 WAC, WAC 204-24-030, and WAC 204-24-040 shall be considered as an approved type chain, studded tire, or other traction device by the state Commission on Equipment.

### WSR 83-17-080

#### NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION

[Memorandum—August 19, 1983]

The commission hearing on August 25, 1983, will be held in the Elliott West Room at the Seattle Airport Hilton instead of the Seattle Room at the Vance Airport Inn as previously announced.

### WSR 83-17-081

#### NOTICE OF PUBLIC MEETINGS HOSPITAL COMMISSION

[Memorandum—August 19, 1983]

The state Hospital Commission will meet in Seattle at the Hyatt House, Sea-Tac, on Thursday, September 8, 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 Hospital Commission is also scheduled for Thursday, October 13, 1983, at the Vance Airport Inn.

### WSR 83-17-082

#### PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance) [Filed August 22, 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 Employment and training—Work incentive, amending chapter 388-57 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on August 23, 1983;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 1983.

The authority under which these rules are proposed is RCW 74.23.120.

The specific statute these rules are intended to implement is RCW 74.23.120.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 18, 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 388-57-015, 388-57-020, 388-57-028, 388-57-032, 388-57-056, 388-57-057, 388-57-061, 388-57-064, 388-57-095 and 388-57-097.

The Purpose of the Rule Changes: To comply with federal regulations in 45 CFR 233.100 regarding the AFDC unemployed parent program.

The Reason for These Rules: To implement general provision of RCW 74.12.010 as amended by House Amendment to Reengrossed Substitute Senate Bill 3660, section 40 providing for AFDC benefits for dependent children deprived due to unemployment of a parent or stepparent liable for support of such child(ren).

Statutory Authority: RCW 74.23.120.

Summary of Rule Changes: The rule changes establish that an unemployed parent or stepparent may qualify an assistance unit for AFDC benefits and establishes the sanction provisions unique to the AFDC unemployment program as specified in 45 CFR 233.100.

Person or Persons Responsible for the Drafting, Implementation or Enforcement of the Rule Change: Ken Anderson, Lee Burnett, and Wayne Balcom, Program Managers, Division of Income Assistance, OB 31C.

The Person or Organization (if other than DSHS) who Proposed These Rules: None.

These rules are necessary as a result of state and federal laws, House Amendment to Reengrossed Substitute Senate Bill 3660, section 40 and 45 CFR 233.100.

Economic Impact on Small Businesses: None.

Emergency Adoption Justification: The rule change is sought to be adopted on an emergency and permanent basis. Emergency adoption is needed pursuant to House Amendment to Reengrossed Substitute Senate Bill No. 3660, section 40 so that the department can implement

the AFDC-E program employment and training provisions by August 23, 1983.

#### AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT DES-REGISTRATION. (1) An AFDC-E mandatory parent or stepparent who, as the principal wage earner, qualifies the assistance unit for the program shall be registered for WIN with DES through the CSO prior to granting of assistance.

(2) An AFDC-R mandatory registrant(;) shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for AFDC.

#### AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS-VERIFICATION. (1) An applicant for or recipient of AFDC (~~(who)~~) who is potentially eligible for unemployment compensation is determined by the CSO based on work history and availability for employment, shall apply for unemployment compensation unless (~~he/she~~) he or she furnishes written verification (~~(that he/she)~~) he or she is receiving, or not eligible to receive, unemployment compensation.

(2) A recipient of AFDC who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) of this section within thirty days.

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

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

WAC 388-57-028 VOCATIONAL TRAINING. (1) It is the objective of the department to assist some unemployed persons to obtain employment which is within their capacity to perform as soon as possible. When training is the most appropriate method of fulfilling this objective, the department may support up to (~~(24)~~) twenty-four continuous months of vocational training as defined in WAC (~~(388-22-030(73))~~) 388-22-030. The (~~(24)~~) twenty-four months shall not include the time necessary to acquire a general educational development certificate or high school diploma prior to enrollment in a vocational program.

(2) With the exception of work incentive program and vocational rehabilitation services training plans, the CSO must make a decision approving or disapproving a vocational training plan when an applicant or recipient requests child care or other supplemental payments.

(a) CSO approval is required for any vocational training plan (~~(which makes it)~~) making training necessary for the responsible relative to reside apart from (~~(his/her)~~) his or her family if the responsible relative requests assistance to meet (~~(his/her)~~) his or her needs while in training.

(3) Deleted.

(4) The CSO shall not approve a training plan when:

(a) The plan requires more than (~~(24)~~) twenty-four continuous calendar months to meet the objective stated in subsection (1) of this section, or

(b) The plan does not meet the definition of vocational training as stated in WAC (~~(388-22-030(73))~~) 388-22-030.

(5) In exceptional situations or when an individual is sufficiently handicapped to require more time than the average student to complete a two-year course, or if a short additional period is required to complete a previously developed plan, an exception may be requested under the rules in chapter 388-20 WAC.

(6) The CSO shall not authorize child care or other supplemental payments for an applicant or recipient (~~(when)~~) in support of a training plan that has been disapproved.

#### AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

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



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

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

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

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

#### AMENDATORY SECTION (Amending Order 1733, filed 12/16/81)

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

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

(2) "Registrant" means ~~((a))~~ an applicant/recipient who is registered for E&T services~~((;))~~.

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

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

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

(6) Protective or vendor payments shall not be imposed upon noncooperating AFDC recipients not certified to WIN.

(7) Persons employed at least thirty hours per week are exempt from registration for E&T.

#### AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

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

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

(2) If the deregistered recipient is the parent qualifying the assistance unit for AFDC-E, the entire assistance unit shall be terminated.

#### AMENDATORY SECTION (Amending Order 1830, filed 6/21/82)

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

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and for a thirty-day period from the start of ~~((full-time, continuous))~~ paid employment. ~~((The thirty-day limitation following))~~ For this purpose, employment shall include full-time and part-time unsubsidized employment, WIN on-the-job training, WIN public service employment, and WIN suspense to ((CETA)) other programs offering on-the-job training, ((and)) public service employment, or other paid work. ((Effective May 1, 1982, WIN day care services for children shall not be provided to registrants in paid employment.))

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

#### AMENDATORY SECTION (Amending Order 1733, filed 12/16/81)

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

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

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

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

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

(d) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated; and

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

(3) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him or her by an employer, whether directly or through the employment service, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made by DES/DSHS and will be binding on the department.

(4) In the event an individual certified to ~~((DES))~~ WIN/DSHS E&T ~~((should need to be referred back to the CSO))~~ is determined by that unit as having good cause for not continuing on a training plan or job and who has therefore received a financial sanction, the CSO should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.

#### AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT OR REDUCTION OF EARNINGS UNDER WIN WITHOUT GOOD CAUSE—DEREGISTRATION SANCTION AND REACCEPTANCE TO WIN. (1) A mandatory WIN registrant who has been found to have failed or refused without good cause to participate or has terminated employment, or has refused to accept employment, or has reduced earnings, shall be sanctioned as follows:

(a) For the first occurrence, the individual shall be deregistered and have his or her needs removed from the grant for three payment months beginning the first day of the month in which the sanctioned individual's needs are removed;

(b) For the second and subsequent occurrences, the individual shall be deregistered and have his or her needs removed from the grant for six payment months beginning the first day of the month in which the sanctioned individual's needs are removed.

(c) In the AFDC-E program only, if the qualifying parent fails or refuses without good cause to participate or has terminated employment, or has refused to accept employment, or has reduced earnings, the sanctions in (1)(a) and (b) of this section shall be applied to the entire assistance unit.

(2) A voluntary registrant ~~((who has failed))~~ failing or ~~((refused))~~ refusing to participate without good cause shall be sanctioned by deregistration from WIN without removing the individual's needs from the grant as follows:

(a) For the first occurrence, the individual shall be deregistered for three payment months beginning the first day of the month such action can be taken;

(b) For the second and subsequent occurrences, the individual shall be deregistered for six payment months beginning the first day of the month such action can be taken.

(3) Implementation of this sanction is not governed by effective date rules in chapter 388-33 WAC.

(4) Assistance unit payments shall be determined in accordance with WAC 388-57-061.

(5) When a defacto failure or refusal to participate in WIN or termination of employment or refusal to accept employment or reduction



in earnings is verified, an appointment for a face-to-face interview with WIN staff shall be made to determine if good cause exists for such act or pattern of behavior. The appointment notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(6) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "notice of intended deregistration." Conciliation efforts to resolve disputes between the WIN staff and the registrant shall begin as soon as possible, but no later than ten days following the date of refusal or failure to participate pursuant to WAC 388-57-064(1).

(a) The period of conciliation may continue for a period of time not to exceed thirty days.

(b) Either the WIN staff or the registrant, upon written notice, may terminate the period sooner when either believes the dispute cannot be resolved by conciliation.

(c) Within two working days after termination of the conciliation period without resolution of the matter, the WIN staff shall issue a "notice of intended deregistration" to the registrant.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him or her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of labor dispute; or

(f) Adequate child care is not available to the single-parent AFDC household.

#### AMENDATORY SECTION (Amending Order 1165, filed 10/27/76)

WAC 388-57-070 (~~(ECONOMIC SOCIAL)~~) COMMUNITY SERVICES OFFICE—STATE EMPLOYMENT SERVICE JOINT CASE RESPONSIBILITY. The (~~(ESSO)~~) CSO shall participate with the local state employment service office in appraisal of registrants for participation in the WIN program; joint participation is also required in resolving disputes between WIN and the applicant or recipient.

#### AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-57-095 INTENSIVE APPLICANT EMPLOYMENT SERVICES—DEPARTMENTAL AUTHORITY. The intensive applicant employment services demonstration project is authorized under specific approval of the secretary of the Department of Health and Human Services through Section 1115, Social Security Act, Grant Number 11-P-98083-10(~~=01 and 11-P-98083-10-02~~).

(1) This project has the following objectives:

(a) To assist applicants for aid to families with dependent children (AFDC) to secure unsubsidized employment prior to authorization of the assistance grant;

(b) To provide certain applicants with preschool children age three years or over applying for AFDC and having previously been excluded from employment programs to participate in such programs;

(c) To provide AFDC applicants with sufficient social and financial supports during the application period to enable the applicants to conduct intensive job search;

(d) To determine the extent AFDC applicants will secure employment if required to participate in a job search program not to exceed thirty days compared to (~~(applicants/recipients)~~) applicants or recipients required to participate in a job search program extending beyond the application period to a maximum of eight weeks;

(e) To determine the extent (young) applicants with small children can be assisted to become self-supporting as compared to applicants with school-age children.

(2) Applicants for AFDC residing in an area subject to the intensive applicant employment services demonstration project shall participate in this project to engage in job search unless exempted under the following conditions:

(a) A child under age sixteen or attending school full time;

(b) A person is ill, incapacitated, or sixty-five years of age or over;

(c) A person is so remote from a CSO that his or her effective participation is precluded;

(d) A person whose presence in the home is required because of illness or incapacity;

(e) Applicants (~~(with)~~) who are a caretaker or relative caring full time for eligible children under age three years;

(f) Persons working in unsubsidized employment at least thirty hours per week; (~~and~~)

(g) Undue hardship exists and the client is not eligible for CEAP; and

(h) A woman in the third trimester of pregnancy.

(3) If ~~and for so long as~~ an applicant for AFDC-~~R~~ fails or refuses without good cause to register or participate (in the intensive applicant employment services demonstration project) with E&T, his or her needs shall not be taken into account in determining the family's need for assistance (~~and grant amount. Good cause provisions are listed in WAC 388-57-064(7). This sanction shall be consistent with the WIN sanction period in WAC 388-57-064. An applicant adversely affected shall have the opportunity for administrative review~~).

(4) If ~~and for so long as~~ an applicant qualifying the assistance unit for AFDC-E fails or refuses without good cause to register or participate with E&T, the entire assistance unit shall be ineligible for AFDC-E.

(5) If an applicant has been denied assistance for failure or refusal to register for and participate in E&T intensive applicant program subsequently reapplies for AFDC, he or she shall be subject to the requirements of full participation in this program.

(6) Good cause provisions are listed in WAC 388-57-064(7).

(7) An applicant adversely affected by the provisions of this section shall have the opportunity for administrative review.

#### AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-57-097 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP). The community work experience program (CWEP) is authorized under the approval of the secretary of the department of social and health services as an optional state program authorized by the 1981 Omnibus Reconciliation Act.

(1) The pilot program has the following objectives:

(a) To provide work experience to recipients of AFDC unable to secure employment through other employment programs; and

(b) To determine the extent work experience will assist individuals participating in the program to secure unsubsidized employment.

(2) CWEP sites shall be located in the Spokane and Tacoma areas.

(3) Any AFDC recipient living in either the Spokane area or the Tacoma area shall, as a condition of eligibility for AFDC, participate in CWEP unless the individual:

(a) Is participating in WIN/E&T; or

(b) Meets the WIN exemption criteria of WAC 388-24-107; or

(c) Is both currently (or becomes) employed at least eighty hours per month and earning not less than the legally established minimum wage for such employment. Persons employed at least eighty hours per month at jobs not having an established minimum wage shall be exempted regardless of wage level; or

(d) Is denied an AFDC grant for any month solely because the amount of the entitlement is less than ten dollars per month.

(4) The department shall:

(a) Provide coordination between CWEP and the WIN program:

(i) To ensure that job placement will have priority over participation in CWEP; and

(ii) To ensure that aid may not be denied on the grounds of failure to participate in either WIN or CWEP if participants are actively and satisfactorily participating in the other program.

(b) Provide that CWEP work hour requirements may be met hour for hour by documented job search activity which has received prior approval by the CWEP service worker(-);

(c) Require appropriate standards of health, safety, and other conditions applicable to the performance of work;

(d) Ensure reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants;

(e) Ensure that participants do not perform tasks in any way related to political, electoral or partisan activities, or which would result in displacement of persons currently employed or fill established unfilled position vacancies;

(f) Ensure that tasks have not been developed in response to or in any way associated with, the existence of a strike, lockout, or other bona fide labor dispute, or violate any existing labor agreement between employees and employers;

(g) Reimburse necessary transportation costs;

(h) Pay customary departmental scale costs of child care needed in order to participate in CWEP;

(i) Not require the use of the participant's assistance or income or resources to pay participation costs;

(j) Provide that assignments to CWEP projects will be made taking into consideration to the extent possible, the prior training, proficiency, experience, and skills of a participant;

(k) Provide that assignment to CWEP projects shall not require participants to travel unreasonable distances from home or to remain away from home overnight without consent; and

(l) Provide worker's compensation coverage for participants through the department of labor and industries.

(5) CWEP participants shall be referred to and shall participate in work experience slots designed to serve a useful public purpose in public agencies or private nonprofit organizations as agreed on by the agency and the department.

(6) The hours of CWEP participation required of any assistance unit, regardless of the number of participants in that unit, shall be no more than the number calculated by dividing the amount of the household's assistance grant by the greater of the federal or state minimum wage, not to exceed one hundred twenty-eight hours during a calendar month. The AFDC payment shall not be construed as compensation for work performed.

(7) If a recipient of AFDC-R fails or refuses without good cause to participate in the community work experience program, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. If a recipient of AFDC-E qualifying the family for AFDC-E fails or refuses without good cause to participate in the community work experience program, the entire assistance unit shall become ineligible for AFDC-E. ((This)) These sanctions shall be consistent with the WIN sanction period in WAC 388-57-064. A recipient adversely affected shall have the opportunity for administrative review and/or fair hearing as provided by RCW 74.08.070 and chapter 388-08 WAC. Good cause provisions are included in WAC 388-57-064. WAC 388-57-064(7)(d) shall not apply to CWEP participation.

**WSR 83-17-083**  
**PROPOSED RULES**  
**PLANNING AND**  
**COMMUNITY AFFAIRS AGENCY**

[Filed August 22, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Planning and Community Affairs Agency intends to adopt, amend, or repeal rules concerning the distribution of law enforcement assistance funds for border areas, known as the border towns program;

that the agency will at 10:00 a.m., Tuesday, September 27, 1983, in the PCAA Ninth and Columbia Building, Fifth Floor Conference Room, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.63A.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1983.

Dated: August 18, 1983

By: Karen Rahm  
Director

**STATEMENT OF PURPOSE**

Title: Proposed rules for the distribution of supplemental law enforcement funds for border areas, commonly referred to as the border towns program.

Description of Purpose: The Planning and Community Affairs Agency proposes to adopt rules to provide the criteria and procedures that will be utilized to distribute supplemental law enforcement funds to eligible jurisdictions.

Statutory Authority: RCW 43.63A.190.

Specific Statute Rule is Intended to Implement: RCW 43.63A.190.

Summary of Rule: [No information supplied by agency]

Reasons Supporting Proposed Action: The rules are necessary to provide uniform criteria and procedures for distributing the funds appropriated by the legislature to eligible jurisdictions.

Responsible PCAA Personnel: Karen Rahm, Director, Planning and Community Affairs Agency, 9th and Columbia Building, Olympia, Washington 98504, Phone (206) 753-2200, scan 234-2200.

Chapter 365-90 WAC  
**SUPPLEMENTAL LAW ENFORCEMENT RESOURCES FOR  
BORDER AREAS**

NEW SECTION

WAC 365-90-010 DECLARATION OF PUBLIC POLICY. The following regulations are adopted pursuant to chapter 34.04 RCW, for the purpose of distributing funds appropriated by the legislature as supplemental resources for border areas, and commonly referred to as the bordertowns program.

The legislature has found and declared that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. In addition the legislature has further found that it is in the public interest and for the protection of the health, property, and welfare of both the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas.

Funding for the bordertowns program has been appropriated to the planning and community affairs agency by the legislature. These rules are intended to provide the criteria and procedures that the planning and community affairs agency will utilize to distribute these funds to eligible jurisdictions.

NEW SECTION

WAC 365-90-020 DEFINITIONS. (1) "Agency" means the planning and community affairs agency and any of its employees or personnel designated thereof.

(2) "Border areas" means any incorporated city or town located within seven miles of the Washington - Canadian land border and any point of land surrounded on three sides by water and adjacent to the Canadian border. Further, border areas are based on measurements from the land boundary of Canada to the incorporated jurisdiction or affected area.

(3) "Formula" means the formula developed by the planning and community affairs agency under RCW 43.63A.190 based on border traffic and historical public impacts of law enforcement problems.

NEW SECTION

WAC 365-90-030 ELIGIBLE JURISDICTION. Jurisdictions eligible to receive funds under the bordertowns program are incorporated cities or towns within seven miles of the Washington-Canadian land border and any point of land surrounded on three sides by water and adjacent to the Canadian border. These jurisdictions include the following: (1) Blaine, (2) Everson, (3) Lynden, (4) Northport, (5) Oroville, (6) Sumas and (7) Whatcom county. All funds received by Whatcom county shall be spent within the Point Roberts area.

NEW SECTION

WAC 365-90-040 ALLOCATION OF FUNDS. Funds appropriated by the legislature shall be allocated to the eligible jurisdictions

based on criteria to include but not be limited to the following: (1) Traffic, (2) crime, and (3) per capita law enforcement budget.

#### NEW SECTION

**WAC 365-90-050 PROCEDURE FOR NOTIFICATION AND DISTRIBUTION.** Upon appropriation of funds by the legislature, the agency shall provide public notice of the availability of funds. The agency shall hold a public meeting to discuss the appropriation, the allocation formula, and any recent changes that may affect the purpose of the program or the allocation of funds.

After holding the public meeting, the agency will allocate funds to eligible jurisdictions.

#### NEW SECTION

**WAC 365-90-060 RESPONSIBILITIES OF ELIGIBLE JURISDICTIONS.** Eligible jurisdictions are responsible for complying with the legislative intent of the bordertowns program as cited in RCW 43.63A.190. The legislative intent shall be met by the following:

(1) Utilization of funds to augment and maintain existing levels of local police service.

(2) Utilization of funds for the procurement of law enforcement personnel, equipment or activities within the local police department which will be directly rendered in the control or curtailment of border related traffic and criminal problems. Funds are not appropriated for the purpose of increasing existing police personnel salaries, wages, or benefits, except that funds may be used to pay existing and/or new police personnel for overtime work.

#### NEW SECTION

**WAC 365-90-070 CHANGES.** The agency after consultation, discussion, or advisement may modify or make minor adjustments to the formula for allocation of funds for the program. All decisions of the agency under this program shall be final.

#### NEW SECTION

**WAC 365-90-080 UNEXPENDED FUNDS.** Any unspent funds may be reallocated by the agency to other eligible jurisdictions.

#### NEW SECTION

**WAC 365-90-090 ANNUAL REVIEW.** The bordertowns program shall be reviewed on an annual basis with the eligible jurisdictions.

**WSR 83-17-084  
EMERGENCY RULES  
PLANNING AND  
COMMUNITY AFFAIRS AGENCY**

[Order 83-05—Filed August 22, 1983]

I, Karen Rahm, director of the Planning and Community Affairs Agency, do promulgate and adopt at the Ninth and Columbia Building, the annexed rules relating to the distribution of law enforcement assistance funds for border areas, known as the border towns program.

I, Karen Rahm, 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 public safety is threatened if supplemental law enforcement funds are cut off from eligible jurisdictions until formal rules have been adopted for the border towns program. The impact of border-related

traffic and related crime has a significant effect on local government law enforcement budgets and their ability to provide police protection and public safety services.

Until permanent rules can be adopted, the agency proposes an interim allocation equal to 25% of the 1983 fiscal year allotment so that law enforcement services will not be impaired. This procedure will allow law enforcement services to be provided until formal rules for the program can be adopted and funds can be allocated for the full 1984 fiscal year.

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

This rule is promulgated pursuant to RCW 43.63A.190 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 18, 1983.

By Karen Rahm  
Director

*Chapter 365-90 WAC  
SUPPLEMENTAL LAW ENFORCEMENT RE-  
SOURCE FOR BORDER AREAS*

#### NEW SECTION

**WAC 365-90-010 DECLARATION OF PUBLIC POLICY.** *The following regulations are adopted pursuant to chapter 34.04 RCW, for the purpose of distributing funds appropriated by the legislature as supplemental resources for border areas, and commonly referred to as the bordertowns program.*

*The legislature has found and declared that certain counties and municipalities near international borders are subjected to a constant volume and flow of travelers and visitors for whom local government services must be provided. In addition the legislature has further found that it is in the public interest and for the protection of the health, property, and welfare of both the residents and visitors to provide supplemental resources to augment and maintain existing levels of police protection in these areas.*

*Funding for the bordertowns program has been appropriated to the planning and community affairs agency by the legislature. These rules are intended to provide the criteria and procedures that the planning and community affairs agency will utilize to distribute these funds to eligible jurisdictions.*

#### NEW SECTION

**WAC 365-90-020 DEFINITIONS.** (1) "Agency" means the planning and community affairs agency and any of its employees or personnel designated thereof.

(2) "Border areas" means any incorporated city or town located within seven miles of the Washington - Canadian land border and any point of land surrounded on three sides by water and adjacent to the Canadian

border. Further, border areas are based on measurements from the land boundary of Canada to the incorporated jurisdiction or affected area.

(3) "Formula" means the formula developed by the planning and community affairs agency under RCW 43.63A.190 based on border traffic and historical public impacts of law enforcement problems.

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#### NEW SECTION

**WAC 365-90-050 PROCEDURE FOR NOTIFICATION AND DISTRIBUTION.** Upon appropriation of funds by the legislature, the agency shall provide public notice of the availability of funds. The agency shall hold a public meeting to discuss the appropriation, the allocation formula, and any recent changes that may affect the purpose of the program or the allocation of funds.

After holding the public meeting, the agency will allocate funds to eligible jurisdictions.

#### NEW SECTION

**WAC 365-90-060 RESPONSIBILITIES OF ELIGIBLE JURISDICTIONS.** Eligible jurisdictions are responsible for complying with the legislative intent of the bordertowns program as cited in RCW 43.63A.190. The legislative intent shall be met by the following:

(1) Utilization of funds to augment and maintain existing levels of local police service.

(2) Utilization of funds for the procurement of law enforcement personnel, equipment or activities within the local police department which will be directly rendered in the control or curtailment of border related traffic and criminal problems. Funds are not appropriated for the purpose of increasing existing police personnel salaries, wages, or benefits, except that funds may be used to pay existing and/or new police personnel for overtime work.

#### NEW SECTION

**WAC 365-90-070 CHANGES.** The agency after consultation, discussion, or advisement may modify or make minor adjustments to the formula for allocation of funds for the program. All decisions of the agency under this program shall be final.

#### NEW SECTION

**WAC 365-90-080 UNEXPENDED FUNDS.** Any unspent funds may be reallocated by the agency to other eligible jurisdictions.

#### NEW SECTION

**WAC 365-90-090 ANNUAL REVIEW.** The bordertowns program shall be reviewed on an annual basis with the eligible jurisdictions.

**WSR 83-17-085  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed August 22, 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 general assistance, amending chapter 388-37 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on August 23, 1983.

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 18, 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: Chapter 388-37 WAC, Continuing general assistance.

The Purpose of the Rule Change: To implement legislative amendments to expand continuing general assistance program.

The Reason These Rules are Necessary: To comply with RCW change which becomes effective August 23, 1983.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: WAC changes initiated as a result of change in state law: (1) Provide GA to pregnant women not eligible for AFDC due to trimester test; (2) provide GA to SSI separated spouses whose needs are not being met by SSI; and (3) allow DSHS to pay SSI applicants' attorneys' fees up to 25 percent of SSI interim assistance reimbursement. Changes to WAC 388-37-035 initiated by DSHS: (1) Expand the source of written medical documentation; and (2) allow consideration of vocational factors in determining incapacity.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Cec Anderson, Community Services Program Manager, Division of Income Assistance, Phone: 234-0478, Mailstop: OB 31C.

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

### AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program (~~which provides~~) providing for the needs of some persons (~~who are unable to work due to a mental, emotional or physical incapacity and who are~~) not eligible for a federal aid grant (~~except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty-day period, except as provided in WAC 388-37-038(1) through (4))~~) by reason other than resource and income eligibility. (~~(2)~~) Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income (~~with the following exceptions~~), except as provided in WAC 388-37-010(2) through (5).

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

~~(i) The applicant applies;~~

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

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

~~(b)) (2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.~~

~~(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive GAU in the amount necessary to supplement his or her need up to the level of the existing GAU payment standard.~~

~~((c)) (4) ((Effective March 31, 1981,)) An SSI recipient whose SSI check has been lost, stolen, missent, or otherwise delayed, may be granted GAU provided ((that)) the recipient agrees in writing to repay~~

the amount of GAU assistance issued, and the applicant meets all other GAU eligibility requirements. (~~(3) Continuing general assistance cannot be granted to a recipient of Supplemental Security Income when he or she is subject to any sanction for failure to comply with SSI eligibility requirements. (4))~~) When an SSI check is lost in the mail system, issuance of GAU will be held in abeyance for ten working days from the first of the month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

~~(5) An applicant appearing to be eligible for SSI may receive continuing general assistance payments until the date of receipt of the initial SSI payment provided that:~~

~~(a) The applicant applies;~~

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

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

~~((5)) (6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.~~

~~(a) The state cannot be reimbursed for any GAU authorized during the time period these payments cover.~~

~~(b) If the amount of the initial SSI payment recovered by DSHS prior to the payment of attorney's fees in subsection (7) of this section does not meet the amount paid as GAU, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.~~

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

~~(7) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature. Reimbursement is limited to cases accepted by the attorney on or after August 23, 1983.~~

~~(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she is subject to any sanction for failure to comply with AFDC or SSI requirements.~~

### AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-020 CONTINUING GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL. (1) An applicant or recipient shall be a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area.

(2) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC 388-28-458 through 388-28-465.

(3) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

(4) Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except ~~((for the earned income exemption specified in WAC 388-37-025))~~ whenever income and resource rules differ for continuing general assistance and AFDC, any individual applying for or receiving continuing general assistance on the basis of pregnancy, shall have her eligibility determined according to AFDC income and resource rules.

### AMENDATORY SECTION (Amending Order 1251, filed 11/10/77)

WAC 388-37-025 EARNED INCOME EXEMPTION. (1) The first eighty-five dollars plus one-half the remainder of total gross monthly earned income shall be exempt in determining eligibility for and the amount of assistance for incapacitated recipients of continuing general assistance ~~((as defined in WAC 388-37-030)).~~

(2) Earned income exemptions for pregnant recipients of continuing general assistance shall be determined in accordance with AFDC rules.

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

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

(1) Incapacitated persons. As used in this section, incapacitated person means a person ~~((who is))~~ physically, emotionally, or mentally unable to work as a result of a condition expected to continue for at least sixty days from date of application, except as provided in WAC 388-37-038(1) through (4). Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities.

(a) Eligible individuals are:

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

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

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

~~((d))~~ (iv) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan, as provided in WAC 388-37-038(3) and (4).

~~((e))~~ (b) An incapacitated individual must accept and follow through on required available medical treatment, which can reasonably be expected to render him or her able to work, unless there is good cause for failure to do so.

~~((f))~~ (i) The CSO incapacity review team shall make the "good cause" determination.

~~((g))~~ (ii) Individuals ~~((who are))~~ found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.

~~((h))~~ (c) An incapacitated individual may also receive medical services provided under the state-financed medical care services program as defined in WAC 388-86-120.

(2) Effective August 23, 1983, pregnant women who:

(a) Meet all income and resource eligibility criteria for the federal aid to dependent children program; and

(b) Are in their first or second trimester of pregnancy and categorically eligible for a federal aid medical assistance program; or

(c) Are members of two-parent households during a time when the aid to dependent children-employable program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant and medical assistance under the state-financed medical care services program for the duration of their pregnancy.

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

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

(a) Such incapacity must be verified by medical evidence as specified in WAC 388-37-035(2).

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

(2) The source of evidence for physiological incapacity will be a written report from a physician~~(;)~~ or the chief of medical administration, or his or her designee, of the Veterans' Administration as authorized in federal law. The source of evidence for a mental incapacity~~(; the source)~~ may be a report from a psychiatrist, licensed clinical psychologist, or mental health professional designated by the local community mental health agency as defined in RCW 71.05.020. Supplemental medical evidence may be obtained from a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports

must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function, along with sufficient medical documentation to support any conclusions of incapacity.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual so it can be determined whether there remains a capacity to engage in ~~((a useful occupation))~~ gainful employment. The primary reason for incapacity must be a medical impairment, but vocational factors, i.e., age, education, and work skills, may also be considered.

**WSR 83-17-086**

**EMERGENCY RULES  
DEPARTMENT OF FISHERIES**

[Order 83-97—Filed August 22, 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 fishing regulations.

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 August 22, 1983.

By William R. Wilkerson  
Director

NEW SECTION

WAC 220-56-19000A SALTWATER SEASONS AND BAG LIMITS *Notwithstanding the provisions of WAC 220-56-190, effective immediately, it is unlawful to fish for, or take and retain salmon taken for personal use from the waters of the Pacific Ocean except as provided for in this section:*

(1) *It is lawful to fish under bag limit F in those waters north of a line projected due west from the mouth of the Queets River.*

(2) *It is lawful to fish under bag limit F in all waters southerly of a line drawn due west from the tip of the north jetty at Gray's Harbor (Point Brown) and northerly of a line drawn due west from Klipsan Beach (Latitude 46° 28' 12" N).*

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-56-1900Z SALTWATER SEASONS AND BAG LIMITS (83-84)

**WSR 83-17-087**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 83-98—Filed August 22, 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.

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, 7, and 7A provide protection for summer/fall chinook during IPSFC sockeye and pink management. Restrictions in Area 7C and the Samish River protect milling chinook destined for the Samish Hatchery. Restrictions in Area 6D and Strait of Juan de Fuca tributaries provide protection for local chinook stocks (and pink stocks in Area 6D and the Dungeness and Elwha rivers.) Restrictions in Area 12C provide protection for summer/fall chinook and pink salmon returning to Hoodspout Hatchery. Restrictions in Areas 7B, 8, 8A, 11A, 12, 12B, Nooksack, Puyallup, Nisqually, Snohomish and Stillaguamish rivers provide protection for weak Puget Sound pink stocks (and summer/fall chinook run in Area 8 and the Skagit River). Restrictions in Areas 6B, 9, 10, 11, and 13 provide protection for Deschutes River chinook and local pink stocks. Restrictions in 10B, 10C, 10D, Cedar River are least restrictive regulations that provide opportunity to harvest chinook and protect Lake Washington sockeye.

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

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

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

APPROVED AND ADOPTED August 22, 1983.

By William R. Wilkerson  
 Director

**NEW SECTION**

WAC 220-28-314 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, and 6C - Effective through September 3, drift gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Areas 6 and 6A - Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Area 6B - Effective through September 10, closed to all commercial net fishing.

Area 6D and Dungeness River - Effective through September 24, closed to all commercial fishing.

Areas 7 and 7A - Effective through September 10, gill net gear restricted to 5-7/8-inch maximum mesh, when open.

Area 7C - Closed to all commercial fishing.

Area 8 - Effective through September 10, closed to all commercial fishing.

Area 8A - Effective through September 10, gill net gear restricted to 7-inch minimum mesh and all other gear must immediately release pink salmon, when open. Purse seine gear is prohibited.

Areas 9, 10 and 11 - Effective through September 10, closed to all commercial fishing.

Area 10B - Effective through September 24, gill nets restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open.

Area 10C - Effective through December 31, closed to all commercial fishing.

Area 10D - Effective through October 8, gill net gear restricted to 6-1/2-inch minimum mesh and all other gear must release sockeye, when open. That portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek is closed to all commercial fishing through December 31.

Area 11A - Effective through September 10, gill nets restricted to 7-inch minimum mesh when open, and purse seine gear is prohibited.

Areas 12 and 12B - Effective through September 3, gill net gear restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.

Area 12C - Effective through September 30, closed to all commercial fishing within 1,000 feet of the western shore between Hoodspout Marina Dock and Glen Ayr Trailer Park.

Area 13 - Effective through September 17, excluding (1) that portion of Hale Pass inside and north of a line running 24° true from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge, (2) that portion of Chambers Bay east of the railroad trestle, and (3) that portion north of a line from



*Green Point on the eastern shoreline of Carr Inlet to the flashing signal beacon #4 on the west shoreline, closed to all commercial fishing. Effective through October 1 in that portion of Hale Pass inside and north of a line running 24° true from the ferry dock southeast of Ketners Point to the opposite shore and southerly of the Fox Island Bridge, gill nets restricted to 7-inch minimum mesh, when open, and purse seine gear is prohibited.*

*Cedar River - Closed to all commercial fishing through December 31.*

*Nooksack River - Marietta Bridge to the confluence of the north and south forks, effective through September 1, gill net gear restricted to 7-1/2-inch minimum mesh, when open; upstream of the confluence of north and south forks, closed to all net gear.*

*Puyallup River - Effective through September 10, gill nets restricted to 7-1/2-inch minimum mesh, when open.*

*Nisqually River - Effective through September 24, gill net gear restricted to 7-1/2" minimum mesh, when open.*

*Stillaguamish and Snohomish rivers - Effective through September 10, gill net gear restricted to 7-1/2" minimum mesh, when open.*

*Skagit River including all tributaries - Effective through September 10, closed to all commercial fishing.*

*Samish River - Closed to all commercial fishing.*

*Elwha, Hoko, East and West Twin, Clallam, Lyre, Sekiu, Sail and Pysht rivers, and Salt and Deep creeks - Effective through September 24, closed to all commercial fishing.*

**REPEALER**

*The following section of the Washington Administrative Code is repealed:*

**WAC 220-28-313 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-95)**

**WSR 83-17-088  
PROPOSED RULES  
FORT STEILACOOM  
COMMUNITY COLLEGE**

[Filed August 23, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that Community College District No. 11, Fort Steilacoom Community College, intends to adopt, amend, or repeal rules concerning qualifications and personnel selection policy, chapter 132K-112 WAC.

- Amd WAC 132K-112-010 Guidelines for selecting faculty and administrative personnel.
- Amd WAC 132K-112-015 Personnel selection practices governing professional personnel.
- Amd WAC 132K-112-020 General standards of qualifications for Community College District No. 11.
- Amd WAC 132K-112-025 Additional qualifications in areas of specialization;

that the institution will at 2:00 p.m., Tuesday, October 4, 1983, in the Fort Steilacoom Community College, Campus Portable 12, Board Room, 9401 Farwest Drive S.W., Tacoma, WA 98498, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 4, 1983.

The authority under which these rules are proposed is chapter 28B.50 RCW.

The specific statute these rules are intended to implement is RCW 28B.50.140.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 26, 1983.

Dated: August 20, 1983  
By: Jack Asby  
Acting President

**STATEMENT OF PURPOSE**

Title: Qualifications and personnel selection policy, chapter 132K-112 WAC, Community College District No. 11, Fort Steilacoom Community College.

Statutory Authority: Chapter 28B.50 RCW, Community College Act of 1967.

Specific Statute that Rule is Intended to Implement: RCW 28B.50.140.

Summary of the Rule(s): This rule proposes to include the college's classified staff members' representation in the selection process for certain administrative position openings, and to have implementation in the presidential search committee membership.

Reasons Supporting the Proposed Rule(s): This notice purposes to include the college's classified staff union's request for their membership in the presidential search committee. Also, numerous changes of a housekeeping nature, intended merely to keep statutory references and the like up to date.

Name of the Person or Organization, Whether Private, Public or Governmental, that is Proposing the Rule: Board of Trustees, Community College District No. 11, Fort Steilacoom Community College, Public, State, 2 year.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are rules to better unify all segments of the college's constituents. Requires no financial expense to implement.

The rule is not necessary to comply with a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.



## CHAPTER 132K-112 WAC

COMMUNITY COLLEGE DISTRICT NO. 11  
FOR STEILACOOM COMMUNITY COLLEGEQUALIFICATIONS AND PERSONNEL SELECTION POLICYAMENDATORY SECTION (Amending Order 3614, filed 8/18/72)

WAC 132K-112-010 GUIDELINES FOR SELECTING FACULTY AND ADMINISTRATIVE PERSONNEL. Professional personnel who are employed by Community College District No. 11 shall be appointed on the basis of standards and selection procedure included in State Board for Community College Education regulations as outlined in WAC 131-16-070, 131-16-080, (~~131-16-090~~) and 131-16-091, 131-16-092, 131-16-093, 131-16-094 and (~~RCW 28.85-090~~) RCW 28B.50.090(7)(a). (~~and in the Washington State Plan for Vocational Education, June 1969, Section 1.3<sup>a</sup>~~)

Professional personnel selection practices and standards shall be designed to ensure high standards of excellence in all phases of district operations, satisfy the standards of regional and national accrediting organizations, and provide for a professional staff representing a wide range of educational and professional experience.

**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 WSR 78-10-052, filed 9/21/78)

WAC 132K-112-015 PERSONNEL SELECTION PRACTICES GOVERNING PROFESSIONAL PERSONNEL. Professional personnel (except for his own replacement) shall be appointed by the President of the college and carried to the Board of Trustees for confirmation. The President of the college shall delegate the responsibility for recommending candidates for appointment as instructor, counselor, librarian, or administrator to the screening committee.

I. The following procedures will be followed in the screening of applicants for appointment as an instructor or librarian:

(A) Applicants will be solicited through teacher placement bureaus, statewide or nationwide professional associations, or other agencies who can communicate information relating to a position opening by the Dean of Instruction. Copies of the job descriptions for vacancies will be sent to all administrators and division chairpersons for posting. Previous unsolicited applications for a position will be reviewed and added to the collection of applications. Job descriptions and specifications will be the product of the consultation between the Dean of Instruction, the concerned division chairman, and a division member.

(B) Applications will be received and necessary related information such as confidential papers, recommendations, and biographies shall be collected. A screening committee will be formed composed of the Dean of Instruction, or designee, Dean of Students, or designee (~~Division Chairman~~) Associate Dean of Instruction responsible for the faculty position opening, (~~or the Director of Learning Resource Center for librarian positions~~), the member of the division who is closest to the concerned discipline, and one student appointed by the students. If the position sought is in the occupational field, the Associate Dean of (~~Career~~) Instruction/Occupational Education shall be a member of the screening committee. The Director of Minority Affairs shall serve the committee in an advisory capacity if a minority candidate is being considered.

(C) After the screening committee has carefully reviewed all completed applications, assuring themselves that the standards set in (~~Section 230~~) this policy are maintained, zero to a maximum of five candidates will be invited to appear for a personal interview with the screening committee.

(D) The Dean of Instruction or designee will coordinate the contacting of candidates and arrange for their interviews with individual members of the screening committee.

(E) After completion of interviews, the screening committee will meet and further consider the candidates interviewed. The committee will determine which candidates shall be recommended based upon the standards indicated in (~~Section 230~~) this policy. The screening committee will rank order the top five candidates and forward this advisory

recommendation to the (~~College President~~) Dean of Instruction. (~~for his recommendation~~).

(F) The Dean of Instruction will (~~determine~~) recommend the successful candidate and that individual's salary placement (~~in cooperation with the original screening committee~~) to the College President for his/her decision.

II. The following procedures will be followed in the screening of applicants for appointment as counselors. (It shall be understood that if the application is being considered for 2/3 counselor and 1/3 teaching, provision of this paragraph shall be applicable; on the other hand, if the applicant is being considered for 1/3 counselor and 2/3 teaching, the provision of Paragraph (I) will apply.)

(A) Applicants will be solicited through teacher placement bureaus, statewide or nationwide professional associations, or other agencies who can communicate information relating to a position opening by the Dean of Students. Copies of job descriptions for vacancies will be sent to all administrators and division chairpersons for posting. Previous unsolicited applications for a position will be reviewed and added to the collection of applications. Job descriptions and specifications will be prepared by the Dean of Students.

(B) Applications will be received and necessary related information such as confidential papers, recommendations, and biographies shall be collected. A screening committee will be formed composed of the Dean of Students, the Associate Dean of Students for Student Development, the Dean of Instruction, the Director of Minority Affairs shall serve the committee in an advisory capacity if a minority candidate is being considered, one faculty member appointed by division chairman of the discipline wherein the counselor will teach, and one student appointed by the students.

(C) After the screening committee has carefully reviewed all completed applications, assuring themselves that the standards set forth in (~~Section 230~~) this policy are maintained, zero to a maximum of five candidates will be invited to appear for a personal interview with the screening committee.

(D) The Associate Dean of Students for Student Development will coordinate the contacting of candidates and arrange for their interviews with individual members of the screening committee.

(E) After completion of interviews, the screening committee will meet and further consider the candidates interviewed. The committee will determine which candidates shall be recommended based upon the standards set forth in (~~Section 230~~) this policy. The screening committee will rank order the top five candidates and forward this advisory recommendation to the (~~College President~~) Dean of Students for his/her consideration.

(F) The Dean of Students will (~~determine salary placement in cooperation with the original screening committee~~) recommend the successful candidate and that individual's initial salary placement to the College President for his/her decision.

III. The President shall make the appointment of administrators after the following procedures are carried out:

(A) Applicants will be solicited through teacher placement bureaus, statewide or nationwide professional associations, or other agencies who can communicate information relating to a position opening indicated by the College President. Copies of the job descriptions for vacancies will be sent to all administrators and division chairpersons for posting. Previous unsolicited applications for a position will be reviewed and added to the collection of applications.

(B) Applications will be received and necessary related information such as confidential papers, recommendations, and biographies shall be collected. A screening committee shall be formed for the following positions and for other professional staff reporting directly to the President.

(1) Deans and positions of comparable responsibility – the screening committee will be composed of the President, Dean of Instruction, Dean of Students, the Dean of Administrative Services/Director of Classified Personnel, or their representatives, the Director of Minority Affairs who shall serve the committee in an advisory capacity, if a minority candidate is being considered; one faculty member appointed by the faculty union (~~and~~) one student appointed by the students, and one classified staff member appointed by Washington Public Employees Association (WPEA). No member of the screening committee can be a candidate for the position.

(2) Associate Deans and positions of comparable responsibility – the screening committee will be composed of the President's designee, the Dean of Instruction (for instructional administrators) or Dean of Students (for Student Personnel). Dean of Administrative Services/Director of Classified Personnel or their representatives, the

Director of Minority Affairs shall serve the committee in an advisory capacity if a minority candidate is being considered, one faculty member appointed by the faculty union, and one student appointed by the students. No member of the screening committee can be a candidate for the position.

(C) After the screening committee has carefully reviewed all completed applications, assuring themselves that the standards set in ~~((Section 230))~~ this policy are maintained, zero to a maximum of five candidates will be invited to appear for a personal interview with the screening committee.

(D) Contacting of candidates and coordination of interviews will be the responsibility of the President (for Deans) or the Deans of appropriate areas (for Associate Deans).

(E) After completion of interviews, the screening committee will meet and consider the candidates interviewed. The screening committee will rank order the top five candidates and forward this advisory recommendation to the ~~((College President for his consideration))~~ Dean of the appropriate area (for Associate Deans) or to the President (for Deans).

IV. The Board of Trustees of Community College District No. 11 will select a President after the following procedures have been carried out:

(A) A Presidential Selection Committee will be formed at the direction of the Board of Trustees. The committee will be comprised of the two students appointed by the students, two faculty members appointed by the faculty union, two administrators, one of which will be a Dean and serve as chairman; two representatives from the Board of Trustees, two classified staff members appointed by Washington Public Employees Association (WPEA), and the Director of Minority Affairs shall serve the committee in an advisory capacity if a minority candidate is being considered.

(B) The ~~((committee))~~ chairman will ~~((form and elect a chairman who will))~~ coordinate the solicitation of applicants through teacher placement bureaus, statewide or nationwide professional associations, and other higher education institutions.

(C) Applications will be received and necessary related information such as confidential papers, recommendations, and biographies shall be collected. The committee will review all candidates' records, assuring themselves that the standards set in ~~((Section 230))~~ this policy are maintained, and will invite zero to a maximum of five candidates for a personal interview with the screening committee.

(D) The Presidential Selection Committee chairman will coordinate the contacting of candidates and arrange for their interviews with the committee and Board members.

(E) After completion of the interview, the screening committee will rank the applicants in order of preference for the consideration and final selection by the Board of Trustees.

**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 3614, filed 8/18/72)

WAC 132K-112-020 GENERAL STANDARDS OF QUALIFICATIONS FOR COMMUNITY COLLEGE DISTRICT NO. 11 PERSONNEL. Prior to employment of candidates for appointment to instructional, instructional support, or administrative positions at Fort Steilacoom Community College, the Board of Trustees shall establish that a candidate possesses:

I. Scholarship or technical skill that represents appropriate study or training in the proposed area of assignment.

II. Expertise as a practitioner as evidenced by reports of former associates and supervisors.

III. A demonstrable understanding and acceptance of the role ~~((he))~~ the individual is to play as a partner in an educational enterprise serving the best interests of the students.

IV. A demonstrable understanding and acceptance of the mission and character of the community college.

V. The ability to perform ~~((his))~~ the individual's assigned duties in a manner consistent with the goals of the institution and the community college system.

VI. Personal characteristics that contribute to ~~((his))~~ the individual's ability to promote the welfare of the students, the institution and the state of Washington.

**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 3614, filed 8/18/72)

WAC 132K-112-025 ADDITIONAL QUALIFICATIONS IN AREAS OF SPECIALIZATION. In addition to the general standards ~~((required by paragraph 2.30.02))~~ the Board of Trustees shall establish that candidates for appointment possess qualifications in their areas of specialization as follows:

I. Instructors in academic discipline for which advanced degrees are normally available and instructional support personnel, including student personnel service, library and learning resource center specialists, shall hold the equivalent of a master's degree from an accredited college or university or a bachelor's degree and extensive professional experience in their area of specialization or must have demonstrated outstanding ability in their area. In case of a bachelor's degree without extensive professional experience, the completion of the master's degree may be encouraged or required. A period of three years shall constitute the time limit for completion of this degree. However, an extension may be granted for just cause. (The screening committee shall determine and inform the potential candidate in writing, prior to ~~((his))~~ the individual's selection whether the master's degree is encouraged or required.)

II. Occupational candidates should have appropriate training and related work experience that in the judgment of the Associate Dean of Instruction for Occupational Education represents competency in the occupational field in which ~~((he))~~ the individual will teach or supervise.

III. Administrative officers shall hold the equivalent of a master's degree from an accredited college or university or shall have advanced training or experience relevant to their assigned duties. The chief administrative officer shall hold an earned doctoral degree from an accredited university or have equivalent expertise as demonstrated by successful performance of broad administrative responsibilities.

**Reviser's note:** RCW 28B.19.077 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

### WSR 83-17-089 EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 200]—Filed August 23, 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—Eligible individuals, amending WAC 388-15-209.

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 41, 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 August 23, 1983.

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

**AMENDATORY SECTION** (Amending Order 1904, filed 11/16/82)

**WAC 388-15-209 CHORE SERVICES—ELIGIBLE INDIVIDUALS.** (1) Service eligibility.

(a) Chore services are for adults aged eighteen and over, although in some instances families may be served.

(b) Chore services are determined through the completion and scoring of the client review questionnaire. (Refer to WAC 388-15-212).

(c) Families may receive chore services when the normal caretaker of the children:

(i) Is in the home but unable to physically care for the children;

(ii) Is in the home and physically unable to perform the necessary household tasks;

(iii) Is out of the home temporarily, as defined by the department.

(2) Financial eligibility.

(a) Persons receiving chore services must meet the financial eligibility requirements established by the department.

(b) For families to receive services, the total family income must be at or below the financial eligibility requirements established by the department. Children are not financially eligible in the children's own right. The children are part of the family unit.

(c) An adult or family at risk of being placed in a residential care facility is eligible to receive the level of hourly or attendant care chore services as determined by WAC 388-15-212 who are adult recipients:

~~(i) Of supplemental security income and/or state supplementation ((or));~~

~~(ii) Of limited casualty program medical care as defined by RCW 74.09.010;~~

~~(iii) Who ((has)) have gross family income, adjusted for family size, not in excess of thirty percent of the state median income.~~

~~(d) Adult protective services clients are eligible to receive chore services without regard to income, if these services are an integral but subordinate part of the adult protective services plan. These services are limited to a maximum of ninety days during any twelve-month period.~~

~~((d) An adult or family at risk of being placed in a residential care facility is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program who has a gross family income, adjusted for family size between thirty percent and forty percent of the state median income. See table in subsection (2)(d) of this section:~~

<del>Percentage of State Median Income</del>	<del>Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program</del>
<del>Above 30 through 31</del>	<del>99</del>
<del>Above 31 through 32</del>	<del>98</del>
<del>Above 32 through 33</del>	<del>97</del>
<del>Above 33 through 34</del>	<del>96</del>
<del>Above 34 through 35</del>	<del>95</del>
<del>Above 35 through 36</del>	<del>94</del>
<del>Above 36 through 37</del>	<del>93</del>
<del>Above 37 through 38</del>	<del>92</del>
<del>Above 38 through 39</del>	<del>91</del>
<del>Above 39 through 40</del>	<del>90</del>

~~HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED~~

<del>HOURS AUTHORIZED BY CRQ</del>	<del>INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)</del>									
	<del>31</del>	<del>32</del>	<del>33</del>	<del>34</del>	<del>35</del>	<del>36</del>	<del>37</del>	<del>38</del>	<del>39</del>	<del>40</del>
<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>
<del>2</del>	<del>2</del>	<del>2</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>	<del>1</del>
<del>3</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>1</del>	<del>1</del>	<del>1</del>
<del>4</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>	<del>2</del>
<del>5</del>	<del>4</del>	<del>4</del>	<del>4</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>3</del>	<del>2</del>	<del>2</del>	<del>2</del>

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME  
AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
6	5	4	4	4	4	3	3	3	2	2
7	6	5	5	5	4	4	4	3	3	2
8	6	6	6	5	5	4	4	4	3	3
9	7	7	6	6	5	5	5	4	4	4
10	8	8	7	7	6	6	5	5	4	4
11	9	8	8	7	7	6	6	5	4	4
12	10	9	8	8	7	7	6	5	5	4
13	11	10	9	8	8	7	7	6	5	5
14	12	11	10	9	8	8	7	6	6	5
15	13	11	11	10	9	8	8	7	6	5
16	14	12	11	10	10	9	8	7	6	6
17	15	13	12	11	10	9	9	8	7	6
18	16	14	13	12	11	10	9	8	7	6
19	17	15	13	12	11	10	10	9	8	7
20	18	16	14	13	12	11	10	9	8	7
21	19	17	15	14	13	12	11	9	8	7
22	20	18	16	15	13	12	11	10	9	8
23	21	19	17	16	14	13	12	10	9	8
24	22	20	18	17	15	13	12	11	10	8
25	23	21	19	18	16	14	13	11	10	9
26	24	22	20	19	17	15	14	12	10	9
27	25	23	21	20	18	16	15	13	11	10
28	26	24	22	21	19	17	16	14	12	11
29	27	25	23	22	20	18	17	15	13	12
30	28	26	24	23	21	19	18	16	14	13
31	29	27	25	24	22	20	19	17	15	14
32	30	28	26	25	23	21	20	18	16	15
33	31	29	27	26	24	22	21	19	17	16
34	32	30	28	27	25	23	22	20	18	17
35	33	31	29	28	26	24	23	21	19	18
36	34	32	30	29	27	25	24	22	20	19
37	35	33	31	30	28	26	25	23	21	20
38	36	34	32	31	29	27	26	24	22	21
39	37	35	33	32	30	28	27	25	23	22
40	38	36	34	33	31	29	28	26	24	23
41	39	37	35	34	32	30	29	27	25	24
42	40	38	36	35	33	31	30	28	26	25
43	41	39	37	36	34	32	31	29	27	26
44	42	40	38	37	35	33	32	30	28	27
45	43	41	39	38	36	34	33	31	29	28

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME  
AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
46	44	42	40	39	37	35	34	32	30	29
47	45	43	41	40	38	36	35	33	31	30
48	46	44	42	41	39	37	36	34	32	31
49	47	45	43	42	40	38	37	35	33	32
50	48	46	44	43	41	39	38	36	34	33
51	49	47	45	44	42	40	39	37	35	34
52	50	48	46	45	43	41	40	38	36	35
53	51	49	47	46	44	42	41	39	37	36
54	52	50	48	47	45	43	42	40	38	37
55	53	51	49	48	46	44	43	41	39	38
56	54	52	50	49	47	45	44	42	40	39
57	55	53	51	50	48	46	45	43	41	40
58	56	54	52	51	49	47	46	44	42	41
59	57	55	53	52	50	48	47	45	43	42
60	58	56	54	53	51	49	48	46	44	43
61	59	57	55	54	52	50	49	47	45	44
62	60	58	56	55	53	51	50	48	46	45
63	61	59	57	56	54	52	51	49	47	46
64	62	60	58	57	55	53	52	50	48	47
65	63	61	59	58	56	54	53	51	49	48
66	64	62	60	59	57	55	54	52	50	49
67	65	63	61	60	58	56	55	53	51	50
68	66	64	62	61	59	57	56	54	52	51
69	67	65	63	62	60	58	57	55	53	52
70	68	66	64	63	61	59	58	56	54	53
71	69	67	65	64	62	60	59	57	55	54
72	70	68	66	65	63	61	60	58	56	55
73	71	69	67	66	64	62	61	59	57	56
74	72	70	68	67	65	63	62	60	58	57
75	73	71	69	68	66	64	63	61	59	58
76	74	72	70	69	67	65	64	62	60	59
77	75	73	71	70	68	66	65	63	61	60
78	76	74	72	71	69	67	66	64	62	61
79	77	75	73	72	70	68	67	65	63	62
80	78	76	74	73	71	69	68	66	64	63
81	79	77	75	74	72	70	69	67	65	64
82	80	78	76	75	73	71	70	68	66	65
83	81	79	77	76	74	72	71	69	67	66
84	82	80	78	77	75	73	72	70	68	67
85	83	81	79	78	76	74	73	71	69	68

HOURS OF CHORE SERVICE TO BE AUTHORIZED BASED ON INCOME AND LEVEL OF SERVICE NEEDED

HOURS AUTHORIZED BY CRQ	INCOME ELIGIBILITY LEVEL (PERCENT OF STATE MEDIAN INCOME)									
	31	32	33	34	35	36	37	38	39	40
86	84	82	80	79	77	75	74	72	70	69
87	85	83	81	80	78	76	75	73	71	70
88	86	85	82	81	79	77	76	74	72	71
89	87	85	83	82	80	78	77	75	73	72
90	88	86	84	83	81	79	78	76	74	73
91	89	87	85	84	82	80	79	77	75	74
92	90	88	86	85	83	81	80	78	76	75
93	91	89	87	86	84	82	81	79	77	76
94	92	90	88	87	85	83	82	80	78	77
95	93	91	89	88	86	84	83	81	79	78
96	94	92	90	89	87	85	84	82	80	79
97	95	93	91	90	88	86	85	83	81	80
98	96	94	92	91	89	87	86	84	82	81
99	97	95	93	92	90	88	87	85	83	82
100	98	96	94	93	91	89	88	86	84	83
101	99	97	95	94	92	90	89	87	85	84
102	100	98	96	95	93	91	90	88	86	85
103	101	99	97	96	94	92	91	89	87	86
104	102	100	98	97	95	93	92	90	88	87
105	103	101	99	98	96	94	93	91	89	88
106	104	102	100	99	97	95	94	92	90	89
107	105	103	101	100	98	96	95	93	91	90
108	106	104	102	101	99	97	96	94	92	91
109	107	105	103	102	100	98	97	95	93	92
110	108	106	104	103	101	99	98	96	94	93
111	109	107	105	104	102	100	99	97	95	94
112	110	108	106	105	103	101	100	98	96	95
113	111	109	107	106	104	102	101	99	97	96
114	112	110	108	107	105	103	102	100	98	97
115	113	111	109	108	106	104	103	101	99	98
116	114	112	110	109	107	105	104	102	100	99

(e) An adult or family who has gross family income, adjusted for family size between forty and fifty-seven percent of the state median income is severely handicapped, at risk of being placed in a residential care facility, and in need of attendant care may be eligible to receive a reduced level of payment for attendant care. See table in subsection (2)(e) of this section. The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff.

Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.

Approved requests shall be reviewed every ninety days.

REDUCED MONTHLY PAYMENT FOR ATTENDANT CARE CLIENTS

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 40 through 41	88
Above 41 through 42	85
Above 42 through 43	80

Percentage of State Median Income	Percentage of Monthly Rate Payment Provided by the Department in the Attendant Care Chore Services Program
Above 43 through 44	75
Above 44 through 45	70
Above 45 through 46	65
Above 46 through 47	60
Above 47 through 48	55
Above 48 through 49	50
Above 49 through 50	45
Above 50 through 51	40
Above 51 through 52	35
Above 52 through 53	30
Above 53 through 54	25
Above 54 through 55	20
Above 55 through 56	15
Above 56 through 57	10

*(f) Severely handicapped clients or applicants in the attendant care chore services program who have gross family income, adjusted for family size between thirty and fifty-seven percent of the state median income who are at risk of being placed in a residential care facility and cannot afford to pay the client's or applicant's share of the monthly rate, may be eligible to receive an additional amount up to the client's share of the monthly rate. The client shall provide verification of the need for attendant care and risk of being placed in a residential care facility by producing a statement from the client's physician and departmental staff. The client shall produce a statement showing why he or she cannot afford to pay all or part of his or her share of the monthly rate.*

*Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of*

*the decision of the department and his or her right to a review of the decision.*

*Approved requests shall be reviewed every ninety days.*

*(g) An adult or family who has gross family income adjusted for family size, above fifty-seven percent of the state median income, severely handicapped, and at risk of being placed in a residential care facility may be authorized to receive attendant care. Thirty persons at any one time may receive attendant care services in accordance with RCW 74.08.541.*

*The client or applicant shall provide verification of the need for attendant care and risk of being placed in a residential care facility, by producing a statement from the client's physician and departmental staff. The client or applicant shall produce a statement showing what part of the monthly rate the client can pay.*

*Requests shall be acted upon by the department within thirty days. The client or applicant shall be advised of the decision of the department and his or her right to a review of the decision.*

*Approved requests shall be reviewed every ninety days.*

*(e) An adult or family with a gross family income over thirty percent of the State Median Income (SMI), at risk of being placed in a residential care facility, is eligible to receive a reduced level of hours in the hourly chore services program or a reduced level of payment in the attendant care chore services program. (For attendant care, payment shall be reduced an equivalent to the hourly unit rate). See table A, as follows:*

*Hours of Chore Service to be Authorized Based on Income and Level of Service Needed - 8/83*







(f) Effort shall be made to obtain chore service from the volunteer chore service program, prior to approval of services by department paid providers, for individuals at risk of being placed in a residential care facility, but eligible for five hours per month or less of services.

(g) Individuals at risk of being placed in a residential care facility but not eligible for chore services because of income or need level, or eligible for a reduced level of service because of income, shall be referred to the volunteer chore service program where such program exists for needed hours or services not provided by the department.

(h) Clients or applicants are not eligible for chore services if the clients or applicants have resources in excess of ten thousand dollars for one person, fifteen thousand dollars for a two-person family. Another one thousand dollars is allowed for each additional family member. Adult protective services clients who are receiving chore services as an integral but subordinate part of an adult protective services plan and supplemental security income and/or state supplementation recipients are exempt from the resource requirement in this section. Resources mean all real or personal property owned by or available to an applicant at the time of application which can be applied toward meeting the applicant's requirements, either directly or by conversion into money or its equivalent. Property that is available shall mean property over which the applicant has legal right of control.

The following resources shall be considered in determining the value of a client's or applicant's resources:

- (i) Checking accounts;
- (ii) Savings accounts;
- (iii) Certificates of deposit;
- (iv) Money markets;
- (v) Negotiable stocks and bonds;
- (vi) Latest assessed value of lots or property not attached to residence;
- (vii) Market value of a boat(s), recreational vehicle(s), or excess automobiles;
- (viii) Liquid assets: Such as cash, gold, silver and other items of an investment and negotiable nature.

(i) The following resources, regardless of value, shall not be considered in determining the value of a client's or applicant's resources:

- (i) A home and lot normal for the community where the client or applicant resides;
- (ii) Used and useful household furnishings, personal clothing, and one automobile per client;
- (iii) Personal property of great sentimental value;
- (iv) Real or personal property used by the applicant or recipient to earn income or to rehabilitate himself or herself;
- (v) One cemetery plot for each member of the family unit;
- (vi) Cash surrender value of life insurance.

(3) "Grandfathering" of recipients.

(a) Recipients of chore services as of August 22, 1983 shall be "grandfathered" if application of the 1983 act would result in reduction or termination of services.

(b) The 1983 act eligibility requirements apply to all other recipients whose services, at time of review, would

remain the same or would be increased. See subsection (2)(d) of this section.

(c) When chore services for grandfathered recipients are terminated for longer than 30 days, the eligibility requirements of the 1983 act is applied. See subsection (2)(d) of this section.

(d) Continuing eligibility of the grandfathered chore service recipients whose services would otherwise be reduced or terminated by application of the 1983 act, will be determined by applying the eligibility requirements of the 1981 act as determined by the department.

**WSR 83-17-090**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2003—Filed August 23, 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 AFDC—Eligibility, amending chapter 388-24 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 41, 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 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 August 23, 1983.

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

AMENDATORY SECTION (Amending Order 1856, filed 8/6/82)

WAC 388-24-040 AID TO FAMILIES WITH DEPENDENT CHILDREN—SUMMARY OF ELIGIBILITY CONDITIONS. Effective August 23, 1983, AFDC shall be granted in behalf of a needy child:

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

(a) ((Effective October 1, 1981,)) AFDC may be granted on behalf of an unborn child, provided there is medical confirmation ((that)) the mother is in the third trimester of pregnancy. The third trimester is defined as the three calendar months preceding the expected month of birth. Acceptable source of medical confirmation is a

written statement from a licensed medical practitioner confirming pregnancy and the expected date of birth.

(b) AFDC shall be continued through the month the child reaches the maximum age.

(2) Who is a resident of the state of Washington, or who lives with a parent or other relative who is a resident of the state of Washington – see WAC ((~~388-26-050~~)) 388-26-055 through 388-26-105;

(3) Who is deprived of parental care and support because of death, continued absence, unemployment, or incapacity of a parent or stepparent – see WAC 388-24-055 through ((~~388-24-070~~)) 388-24-074. If unemployment of a parent or stepparent is the basis of deprivation, all provisions of WAC 388-24-074 apply;

(4) Whose parent or stepparent, if incapacitated, does not refuse available medical treatment without good cause as specified in WAC ((~~388-24-065(6)~~)) 388-24-065(12);

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

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

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

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

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

(9) ((~~Effective January 1, 1982,~~)) Who is a child eighteen years of age and under nineteen years of age who is a full-time student reasonably expected to complete a program of secondary school, or the equivalent level of vocational or technical training, before the end of the month in which nineteen years of age is reached.

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

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

#### AMENDATORY SECTION (Amending Order 1792, filed 4/14/82)

WAC 388-24-042 AID TO FAMILIES WITH DEPENDENT CHILDREN—ELIGIBILITY OF STRIKERS. Effective August 23, 1983:

(1) Eligibility for AFDC or refugee assistance does not exist when any ((~~caretaker relative~~)) parent or stepparent with whom the child lives is, on the last day of the month, participating in a strike.

(2) Eligibility for AFDC or refugee assistance does not exist when the only child or all children in an AFDC assistance unit is/are, on the last day of the month, participating in a strike.

(3) Eligibility for the eligible ((~~caretaker~~)) parent or stepparent and siblings will be determined without regard to the needs of a child in the home who, on the last day of the month, is participating in a strike.

(4) The term "strike" includes any strike or other concerted stoppage of work by employees (including a stoppage by reason of the expiration of a collective-bargaining agreement) and any concerted slowdown or other concerted interruption of operations by employees.

#### AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-050 AID TO FAMILIES WITH DEPENDENT CHILDREN—ASSISTANCE UNIT. Effective August 23, 1983, AFDC is paid to eligible persons on an assistance unit basis. Assistance units shall be composed of groups of persons residing together as follows:

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

(a) The eligible ((~~child(ren)~~)) child or children; and

(i) The eligible natural ((~~σ~~)) parent or parents, if married (only the qualifying parent is eligible if unmarried, even if paternity has been established), or paternity has been established by a court order (this includes a paternity and consent order notarized and filed with vital statistics for uncontested cases), adoptive ((~~parent(s)~~)) parent or parents, or ((~~stepparent(s)~~)) stepparent or stepparents, with whom the ((~~child(ren) lives~~)) child or children live; or

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

(b) The eligible child or children and one parent, if both natural, unmarried parents are living together, but paternity has not been established by a court order.

((~~(b)~~)) (c) Only the eligible ((~~child(ren)~~)) child or children when:

(i) The ((~~child(ren)'s parent(s)~~)) child or children's parent or parents is not eligible; or

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

(iii) The ((~~child(ren) lives~~)) child or children live with a needy nonresponsible relative of specified degree ((~~who receives~~)) receiving SSI; or

(iv) The ((~~child(ren) is~~)) child or children are a recipient of AFDC-FC(;;).

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

((~~(d)~~)) (e) Only the eligible ((~~parent(s)~~)) parent or parents when the only child is unborn.

(2) Two assistance units are necessary when:

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

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

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

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

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

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

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

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

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

WAC 388-24-055 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR-DEPRIVATION OF PARENTAL SUPPORT OR CARE. Effective August 23, 1983:

(1) "Parent" as used in this and following sections means a natural or adoptive parent or stepparent.

(a) An adoptive parent has the same rights and responsibilities as a natural parent in respect to the adopted child.

(b) A stepparent, legally married to a child's parent has the same rights and responsibilities as a natural parent for the care and support of his or her stepchild. See WAC 388-28-350.

(2) A child deprived of parental support or care may or may not be in financial need. Need is a factor to be determined separately.

(3) Deprivation of a child of unmarried parents when paternity has been established by a court order is determined on the same basis as a child of married parents.

(4) A child living with a parent and an individual assuming the role of spouse of the parent is deprived because of the absence or death of the other natural or adoptive parent. The responsibility of the ~~((assumptive))~~ presumptive spouse to support the child is a financial need factor only - see WAC 388-28-355. Also see WAC 388-24-108 through 388-24-114 in respect to support from the absent parent.

**AMENDATORY SECTION** (Amending Order 1907, filed 11/17/82)

WAC 388-24-070 AID TO FAMILIES WITH DEPENDENT CHILDREN-REGULAR-DEPRIVATION DUE TO CONTINUED ABSENCE FROM HOME. Effective August 23, 1983:

(1) Determination whether a child has been deprived of parental support or care is made in relation to a child's natural parent or parents, if married, or paternity has been established by a court order, adoptive parent, or stepparent, and the term parent as used in this section refers to any of those relationships.

(2) Continued absence of a parent from the home establishes deprivation of parental support or care when:

(a) The parent is living out of the home in which the child resides, and

(b) The nature of the absence interrupts or terminates the parent's functioning as a provider of maintenance, physical care, or guidance for the child, and

(c) The known or indefinite duration of the absence precludes counting on the parent's performance of his or her function in planning for the present support or care of the child.

(3) Absence from the home is considered as "being continued" when the situation has, or is likely to have, a degree of permanency in contrast to a purely temporary disruption of family life. The following are examples of situations ~~((which are))~~ considered to meet this requirement:

(a) Absence as the result of legal action;

(i) The parents are divorced or divorce action has been filed; or the marriage has been annulled; or a petition has been filed requesting dissolution of the marriage because the marriage is irretrievably broken; or a separation contract has been filed with the court containing provisions for maintenance, property disposition, custody of children, support, and visitation; or a written separation contract has been published in a legal newspaper, in lieu of a court decree.

(ii) Absence due to divorce is overcome by remarriage of the child's natural or adoptive parent with whom he or she lives.

(iii) If the natural or adoptive parents, in spite of the legal action, resume living together, there is no longer deprivation on the basis of absence.

(b) Absence due to separation, desertion, or abandonment;

(i) There is a clear disassociation of one or both parents from their normal family relationship.

(ii) If the separation, desertion, or abandonment has existed at least thirty days prior to application and there is no indication ~~((that))~~ the absence will not continue, deprivation is considered established.

(iii) Deprivation may be established if the absence has existed for less than thirty days prior to application only when there is sufficient information as determined by the CSO showing the absence can be expected to continue. The type of information and basis of determination must be documented in the case record.

(iv) If application is made by a nonresponsible relative on behalf of a child who has not been placed in his or

her custody through a court order, whose parent or parents though able have failed to support the child, apparent abandonment shall be assumed and the policies outlined in WAC 388-24-114 shall apply.

(c) Absence of unmarried parents when paternity has been established by a court order,

If the parents have not maintained a home together, deprivation is established. If the parents have maintained a home together and one parent has left the home, the situation should be evaluated as provided in subsection (3)(b) of this section.

(d) Absence due to other reasons:

(i) Parent confined to an institution and is expected to remain for more than thirty days. A parent who is incarcerated but participating in a work release program is considered to be in an institution.

(ii) Parent has been deported.

(iii) Parent has been convicted of an offense and has been required by the court to perform unpaid work or community service during the workday while being permitted to reside in the family home.

(A) The basis of deprivation will be continued absence, and the needs of the convicted parent will not be included in the determination of eligibility or the payment of the family grant.

(B) A convicted parent earning income outside of the hours of sentenced unpaid work or community service shall have such earnings treated in accordance with WAC 388-28-500.

(4) The rules in this section shall apply to applications which are pending and/or made on or after October 1, 1982, and to recipients when case actions occur or when a periodic desk review is completed on or after October 1, 1982.

#### NEW SECTION

WAC 388-24-074 AID TO FAMILIES WITH DEPENDENT CHILDREN-EMPLOYABLE-DEPRIVATION DUE TO UNEMPLOYMENT OF A PARENT. Effective August 23, 1983, to be eligible for AFDC-E, an applicant shall be a child whose qualifying parent meets the requirements in this section.

(1) The qualifying parent is that parent earning the greater amount of income in the last twenty-four month period, the last month of which immediately precedes the month in which the application for assistance is filed.

(a) If the client and CSO cannot secure verification of earnings for this period, the CSO shall designate the qualifying parent using the best evidence available.

(b) The earnings of both parents are considered in determining the qualifying parent, regardless of when the relationship began.

(c) The designated qualifying parent remains the qualifying parent for each consecutive month the family remains on assistance based on the current application.

(d) If both parents earned an identical amount of income, the CSO shall designate the qualifying parent.

(2) The child must be deprived of parental care and support because of the unemployment of a natural parent, if married or paternity has been established by a court order, adoptive parent, or stepparent who satisfies

all the requirements in this section to qualify the assistance unit.

A parent or stepparent is considered to be unemployed when:

(a) He or she is employed less than one hundred hours a month, or

(b) He or she exceeds that standard for a particular month if his or her work is intermittent and the excess is of a temporary nature as evidenced by the fact he or she was under the one hundred hour standard for the two prior months and is expected to be under the standard during the next month.

(3) The qualifying parent or stepparent must have been unemployed as defined in subsection (2) of this section for at least thirty days prior to the date AFDC-E is authorized.

When AFDC-E is terminated due to full-time employment of the unemployed parent or stepparent, no additional waiting period is required if the full-time employment ends within thirty days of termination and the individual reapplies and is found otherwise eligible for AFDC-E.

(4) The qualifying parent or stepparent must not have refused a bona fide offer of employment or training for employment or has not voluntarily left a job without good cause during the same thirty-day period.

(5) The child must meet the eligibility conditions specified in WAC 388-24-040 and 388-24-090 through 388-24-125.

(6) The child's parent or stepparent:

(a) In WIN areas:

(i) Must be registered for the WIN/E&T program unless exempted by WAC 388-24-107, and

(ii) Must be registered for employment with the local DES office, if exempt for WIN/E&T by WAC 388-24-107;

(b) In non-WIN areas:

(i) Must be registered for employment with the local DES office, and

(ii) Is registered for E&T unless exempted by WAC 388-24-107.

(7) The qualifying parent or stepparent, if eligible for unemployment compensation, has not refused to apply for or accept such compensation.

(8) The qualifying parent or stepparent:

(a) Has had six or more quarters of work within any thirteen calendar quarter period ending within one year prior to the application for assistance. A "quarter of work" means a calendar quarter in which he or she earned income of not less than fifty dollars, or in which he or she participated in the work incentive (WIN) program or community work experience program (CWEP). A "calendar quarter" means a period of three consecutive calendar months ending March 31, June 30, September 30, or December 31, or

(b) Within one year prior to his or her application received or would have been eligible to receive unemployment compensation had he or she applied; or if the employment which he or she had was not covered under the unemployment compensation law of the state or the United States, his or her work history was such that had

his or her employment been covered, he or she would have been eligible.

(9) The qualifying parent or stepparent:

(a) In non-WIN areas is registered for and accepts on an ongoing basis employment and training services.

(b) In WIN areas is registered for and accepts the services defined in subsection (9)(a) of this section if not accepted into a WIN component.

(10) The child must be living with both natural parents, if married or paternity has been established by a court order, adoptive parents, or a parent and stepparent except that one may be temporarily absent to search for employment with the expectation of continuing to live with the family.

(11) AFDC will not be denied or terminated solely because of an individual's participation in institutional and work experience training or in public service employment under the WIN program.

(12) The rules in this section are effective July 1, 1983.

AMENDATORY SECTION (Amending Order 1644, filed 4/27/81)

WAC 388-24-090 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-EMPLOYMENT OR TRAINING. Effective August 23, 1983:

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-24-107 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-R AND AFDC-E-REGISTRATION FOR WIN/EMPLOYMENT AND TRAINING. Effective August 23, 1983:

(1) As a condition of eligibility for AFDC, every individual shall register for and participate in the WIN or employment and training (E&T) program and/or the intensive applicant employment services project ~~((and participate for the maximum of thirty days))~~ unless such individual is:

(a) A dependent child under age sixteen or age sixteen but not yet nineteen and is ~~((enrolled as))~~ attending full time, or has been accepted for enrollment as ~~((;))~~ a full-time student for the next school term, in ~~((a))~~ an elementary or secondary school, or the equivalent level of vocational or technical training, and reasonably expected to complete such course ~~((during))~~ prior to the end of the month he or she reaches nineteen;

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

(i) Temporary illness or incapacity provides WIN/E&T exemption only for the period of a documented condition of unemployability. Exemption terminates when the condition ceases.

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

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

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

(e) A parent or other needy caretaker relative of a child under the age of six ~~((who is))~~ personally providing full-time care for the child, with only very brief and infrequent absences from the child ~~((; or))~~ . This exemption does not apply if the caretaker is either a full-time day student as defined by the school, or is regularly absent from the child on week days a total of thirty hours or more per week. For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, this exemption is allowed only to a parent or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application. This does not apply to AFDC-E.

(f) A person employed at least thirty hours per week.

(g) A woman in the third trimester of pregnancy.

(h) The parent of a child when the other parent or stepparent is in the home and is not exempted by subsection (1)(a), (b), (c), (d), (e), (f), or (g) of this section.

~~(2) ((For those applicants only in areas subject to the intensive applicant employment services work demonstration project where applicants are required to participate unless exempted, exemption is allowed only to a parent or other needy caretaker relative caring for a child under the age of three. This requirement shall cease when participation is completed to the extent required but not to exceed thirty days from the date of application, except for those applicants/recipients residing in an area subject to the job search requirement of eight weeks.~~

~~(3))~~ Any applicant or recipient has a right to a fair hearing to contest a determination of nonexempt status and shall be considered as exempt until his or her status is finally determined. (See WAC 388-57-090.)

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

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

~~((6))~~ (5) When an AFDC recipient classified as exempt from WIN/E&T registration reports any change affecting the exempt status, he or she shall be registered within thirty days after the report. If a change is not reported, exempt or nonexempt status will be determined at the next review unless the department becomes aware an AFDC recipient's exempt status has changed. Then the recipient shall be notified he or she shall be registered within thirty days.

~~((7))~~ (6) The department's financial service unit shall determine which AFDC applicants or recipients are exempt from registration and which are required to register as a condition of eligibility.

AMENDATORY SECTION (Amending Order 1783, filed 4/1/82)

WAC 388-24-125 ELIGIBILITY CONDITIONS APPLICABLE TO AFDC-LIVING IN HOME OF RELATIVE OF SPECIFIED DEGREE. Effective August 23, 1983:

(1) Relationship of child to relative:

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

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

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

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

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

(b) A child eligible for AFDC-E must be living with both natural parents, if married, or adoptive parents, or a parent and stepparent. A child of unmarried parents is included if paternity has been established by a court order. In order to determine members of the assistance unit, see WAC 388-24-050 also.

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

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

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

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

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

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

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

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

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

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

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

(C) Enrollment on or after September 1, 1981, in an Indian boarding school administered through the Bureau of Indian Affairs.



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

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

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

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

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

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

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

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

(i) The caretaker relative is otherwise eligible,

(ii) The child is returned to the relative's home before the end of ~~((that))~~ the thirty-day assistance period,

(iii) No AFDC payments are being made for the child, either in another relative's home or through AFDC-FC in ~~((that))~~ the same thirty-day period.

AMENDATORY SECTION (Amending Order 1728, filed 12/4/81)

WAC 388-24-137 CONTINUATION OF ASSISTANCE WHEN DEPRIVATION CEASES. Effective August 23, 1983:

(1) When deprivation due to incapacity or absence ceases and the family remains in need, the CSO shall determine if any other basis for deprivation exists.

(2) If there is no deprivation due to death or incapacity after deprivation due to absence ceases, assistance will be discontinued at the end of the calendar month in which deprivation due to absence ceases unless one of the parents qualifies the assistance unit for AFDC-E.

AMENDATORY SECTION (Amending Order 1704, filed 9/25/81)

WAC 388-24-265 CONSOLIDATED EMERGENCY ASSISTANCE PROGRAM (CEAP)—ELIGIBLE PERSONS. Effective August 23, 1983:

(1) CEAP shall be provided when the child:

(a) Is under eighteen years of age, and

(b) Is living with a parent or other relative as specified in WAC 388-24-125(1)(a)(i), or

(c) Has lived with such relative within the six months prior to the month in which assistance is requested;

(d) Is in emergent need and the need is not due to his or her or such relative's refusal without good cause to accept employment.

(2) The following ~~((are eligible for emergency assistance))~~ may be included in the assistance unit:

(a) ~~The ((child(ren)))~~ child or children under the age of eighteen.

(b) Both parents, if married or if paternity has been established by court order. Otherwise, only the mother shall be included.

~~((fb))~~ (c) The needy caretaker relative or relatives with whom the ~~((child(ren) lives))~~ child or children live.

~~((fc))~~ (d) Migrant workers with dependent children.

~~((fd))~~ (e) The ~~((parent(s)))~~ married parents of an unborn child when pregnancy is confirmed. If unmarried, only the mother shall be included.

~~((fe))~~ (f) A child under the age of eighteen not currently living in the home of a relative, if he or she qualifies under WAC 388-24-255(3).

~~((ff))~~ (g) Children and families not eligible for assistance because of their alien status.

(3) Emergency assistance:

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

(b) Shall be utilized for applicants from another state only when such individuals are:

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

(ii) They have decided to become residents.

WSR 83-17-091  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2013—Filed August 23, 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 employment and training work incentive, amending chapter 388-57 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 41, 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 74.23.120 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 August 23, 1983.

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

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-015 UTILIZATION OF EMPLOYMENT SECURITY DEPARTMENT DES—REGISTRATION. (1) An AFDC-E mandatory parent or stepparent who, as the principal wage earner, qualifies the assistance unit for the program shall be registered for WIN with DES through the CSO prior to granting of assistance.

(2) An AFDC-R mandatory registrant(;) shall be registered for WIN with DES through the CSO at the time of granting of assistance. This requirement shall not affect the eligibility of the children for AFDC.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

WAC 388-57-020 UNEMPLOYMENT COMPENSATION STATUS—VERIFICATION. (1) An applicant for or recipient of AFDC ((fwho)) who is potentially eligible for unemployment compensation is determined by the CSO based on work history and availability for employment, shall apply for unemployment compensation unless ((he/she)) he or she furnishes written verification ((that he/she)) he or she is receiving, or not eligible to receive, unemployment compensation.

(2) A recipient of AFDC who becomes potentially eligible for unemployment compensation is required to comply with the provisions of subsection (1) of this section within thirty days.

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

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

WAC 388-57-028 VOCATIONAL TRAINING. (1) It is the objective of the department to assist some unemployed persons to obtain employment which is within their capacity to perform as soon as possible. When training is the most appropriate method of fulfilling this objective, the department may support up to ((24)) twenty-four continuous months of vocational training as defined in WAC ((388-22-030(73))) 388-

22-030. The ((24)) twenty-four months shall not include the time necessary to acquire a general educational development certificate or high school diploma prior to enrollment in a vocational program.

(2) With the exception of work incentive program and vocational rehabilitation services training plans, the CSO must make a decision approving or disapproving a vocational training plan when an applicant or recipient requests child care or other supplemental payments.

(a) CSO approval is required for any vocational training plan ((which makes it)) making training necessary for the responsible relative to reside apart from ((his/her)) his or her family if the responsible relative requests assistance to meet ((his/her)) his or her needs while in training.

(3) Deleted.

(4) The CSO shall not approve a training plan when:

(a) The plan requires more than ((24)) twenty-four continuous calendar months to meet the objective stated in subsection (1) of this section, or

(b) The plan does not meet the definition of vocational training as stated in WAC ((388-22-030(73))) 388-22-030.

(5) In exceptional situations or when an individual is sufficiently handicapped to require more time than the average student to complete a two-year course, or if a short additional period is required to complete a previously developed plan, an exception may be requested under the rules in chapter 388-20 WAC.

(6) The CSO shall not authorize child care or other supplemental payments for an applicant or recipient ((when)) in support of a training plan that has been disapproved.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

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

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

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

(a) Placement in employment;

(b) Referral to other programs offering public service employment (PSE) or training, and

(c) Self-support services.

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

AMENDATORY SECTION (Amending Order 1733, filed 12/16/81)

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

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

(2) "Registrant" means ~~((a))~~ an applicant/recipient who is registered for E&T services~~((;))~~.

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

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

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

(6) Protective or vendor payments shall not be imposed upon noncooperating AFDC recipients not certified to WIN.

(7) Persons employed at least thirty hours per week are exempt from registration for E&T.

AMENDATORY SECTION (Amending Order 1642, filed 4/27/81)

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

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

(2) If the deregistered recipient is the parent qualifying the assistance unit for AFDC-E, the entire assistance unit shall be terminated.

AMENDATORY SECTION (Amending Order 1830, filed 6/21/82)

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

(2) Self-support services required by the individual shall be provided and continued as needed during the individual's participation in all WIN components, and

for a thirty-day period from the start of ~~((full-time, continuous))~~ paid employment. ~~((The thirty-day limitation following))~~ For this purpose, employment shall include full-time and part-time unsubsidized employment, WIN on-the-job training, WIN public service employment, and WIN suspense to ~~((CETA))~~ other programs offering on-the-job training, ~~((and))~~ public service employment, or other paid work. ~~((Effective May 1, 1982, WIN day care services for children shall not be provided to registrants in paid employment.))~~

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

AMENDATORY SECTION (Amending Order 1733, filed 12/16/81)

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

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

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

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

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

(d) If such individual is the unemployed parent who qualifies the assistance unit for the AFDC-E program, assistance for the entire assistance unit shall be terminated; and

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

(3) In the event an individual certified to the WIN/E&T program refuses to accept employment offered to him or her by an employer, whether directly or through the employment service, the determination as to whether the offer was bona fide or there was good cause to refuse the offer will be made by DES/DSHS and will be binding on the department.

(4) In the event an individual certified to ~~((DES))~~ WIN/DSHS E&T ~~((should need to be referred back to the CSO))~~ is determined by that unit as having good cause for not continuing on a training plan or job and who has therefore received a financial sanction, the CSO

should promptly restore the assistance payment to the individual if otherwise eligible or make other necessary payment adjustments.

**AMENDATORY SECTION** (Amending Order 1924, filed 12/15/82)

**WAC 388-57-064 REFUSAL OF TRAINING OR EMPLOYMENT OR REDUCTION OF EARNINGS UNDER WIN WITHOUT GOOD CAUSE—DEREGISTRATION SANCTION AND REACCEPTANCE TO WIN.** (1) A mandatory WIN registrant who has been found to have failed or refused without good cause to participate or has terminated employment, or has refused to accept employment, or has reduced earnings, shall be sanctioned as follows:

(a) For the first occurrence, the individual shall be deregistered and have his or her needs removed from the grant for three payment months beginning the first day of the month in which the sanctioned individual's needs are removed;

(b) For the second and subsequent occurrences, the individual shall be deregistered and have his or her needs removed from the grant for six payment months beginning the first day of the month in which the sanctioned individual's needs are removed.

(c) In the AFDC-E program only, if the qualifying parent fails or refuses without good cause to participate or has terminated employment, or has refused to accept employment, or has reduced earnings, the sanctions in (1)(a) and (b) of this section shall be applied to the entire assistance unit.

(2) A voluntary registrant (~~((who has failed))~~) failing or (~~((refused))~~) refusing to participate without good cause shall be sanctioned by deregistration from WIN without removing the individual's needs from the grant as follows:

(a) For the first occurrence, the individual shall be deregistered for three payment months beginning the first day of the month such action can be taken;

(b) For the second and subsequent occurrences, the individual shall be deregistered for six payment months beginning the first day of the month such action can be taken.

(3) Implementation of this sanction is not governed by effective date rules in chapter 388-33 WAC.

(4) Assistance unit payments shall be determined in accordance with WAC 388-57-061.

(5) When a defacto failure or refusal to participate in WIN or termination of employment or refusal to accept employment or reduction in earnings is verified, an appointment for a face-to-face interview with WIN staff shall be made to determine if good cause exists for such act or pattern of behavior. The appointment notice shall explain the reasons for the appointment and the consequences of failure to keep the appointment.

(6) The WIN staff must exhaust efforts toward conciliatory resolution of disputes between the WIN staff and the registrant before the WIN staff issues a "notice of intended deregistration." Conciliation efforts to resolve disputes between the WIN staff and the registrant shall begin as soon as possible, but no later than ten days

following the date of refusal or failure to participate pursuant to WAC 388-57-064(1).

(a) The period of conciliation may continue for a period of time not to exceed thirty days.

(b) Either the WIN staff or the registrant, upon written notice, may terminate the period sooner when either believes the dispute cannot be resolved by conciliation.

(c) Within two working days after termination of the conciliation period without resolution of the matter, the WIN staff shall issue a "notice of intended deregistration" to the registrant.

(7) The following conditions when verified shall constitute good cause for refusal of an offer of employment or refusal to continue employment:

(a) Physical, mental, or emotional inability of the individual to satisfactorily perform the work required;

(b) Inability of the individual to get to and from the job without undue cost or hardship to him or her;

(c) The nature of the work would be hazardous to the individual;

(d) The wages do not meet any applicable minimum wage requirements and are not customary for such work in the community;

(e) The job is available because of labor dispute; or

(f) Adequate child care is not available to the single-parent AFDC household.

**AMENDATORY SECTION** (Amending Order 1165, filed 10/27/76)

**WAC 388-57-070 ((ECONOMIC—SOCIAL)) COMMUNITY SERVICES OFFICE—STATE EMPLOYMENT SERVICE JOINT CASE RESPONSIBILITY.** The ~~((ESSO))~~ CSO shall participate with the local state employment service office in appraisal of registrants for participation in the WIN program; joint participation is also required in resolving disputes between WIN and the applicant or recipient.

**AMENDATORY SECTION** (Amending Order 1924, filed 12/15/82)

**WAC 388-57-095 INTENSIVE APPLICANT EMPLOYMENT SERVICES—DEPARTMENTAL AUTHORITY.** The intensive applicant employment services demonstration project is authorized under specific approval of the secretary of the Department of Health and Human Services through Section 1115, Social Security Act, Grant Number 11-P-98083-10(~~=01 and 11-P-98083-10-02~~).

(1) This project has the following objectives:

(a) To assist applicants for aid to families with dependent children (AFDC) to secure unsubsidized employment prior to authorization of the assistance grant;

(b) To provide certain applicants with preschool children age three years or over applying for AFDC and having previously been excluded from employment programs to participate in such programs;

(c) To provide AFDC applicants with sufficient social and financial supports during the application period to enable the applicants to conduct intensive job search;

(d) To determine the extent AFDC applicants will secure employment if required to participate in a job

search program not to exceed thirty days compared to ~~((applicants/recipients))~~ applicants or recipients required to participate in a job search program extending beyond the application period to a maximum of eight weeks;

(e) To determine the extent ~~((young))~~ applicants with small children can be assisted to become self-supporting as compared to applicants with school-age children.

(2) Applicants for AFDC residing in an area subject to the intensive applicant employment services demonstration project shall participate in this project to engage in job search unless exempted under the following conditions:

(a) A child under age sixteen or attending school full time;

(b) A person is ill, incapacitated, or sixty-five years of age or over;

(c) A person is so remote from a CSO that his or her effective participation is precluded;

(d) A person whose presence in the home is required because of illness or incapacity;

(e) Applicants ~~((with))~~ who are a caretaker or relative caring full time for eligible children under age three years;

(f) Persons working in unsubsidized employment at least thirty hours per week; ~~((and))~~

(g) Undue hardship exists and the client is not eligible for CEAP; and

(h) A woman in the third trimester of pregnancy.

(3) If and for so long as an applicant for AFDC-R fails or refuses without good cause to register or participate ~~((in the intensive applicant employment services demonstration project))~~ with E&T, his or her needs shall not be taken into account in determining the family's need for assistance ~~((and grant amount. Good cause provisions are listed in WAC 388-57-064(7)). This sanction shall be consistent with the WIN sanction period in WAC 388-57-064. An applicant adversely affected shall have the opportunity for administrative review))~~.

(4) If and for so long as an applicant qualifying the assistance unit for AFDC-E fails or refuses without good cause to register or participate with E&T, the entire assistance unit shall be ineligible for AFDC-E.

(5) If an applicant has been denied assistance for failure or refusal to register for and participate in E&T intensive applicant program subsequently reapplies for AFDC, he or she shall be subject to the requirements of full participation in this program.

(6) Good cause provisions are listed in WAC 388-57-064(7).

(7) An applicant adversely affected by the provisions of this section shall have the opportunity for administrative review.

AMENDATORY SECTION (Amending Order 1924, filed 12/15/82)

WAC 388-57-097 COMMUNITY WORK EXPERIENCE PROGRAM (CWEP). The community work experience program (CWEP) is authorized under the approval of the secretary of the department of social and health services as an optional state program authorized by the 1981 Omnibus Reconciliation Act.

(1) The pilot program has the following objectives:

(a) To provide work experience to recipients of AFDC unable to secure employment through other employment programs; and

(b) To determine the extent work experience will assist individuals participating in the program to secure unsubsidized employment.

(2) CWEP sites shall be located in the Spokane and Tacoma areas.

(3) Any AFDC recipient living in either the Spokane area or the Tacoma area shall, as a condition of eligibility for AFDC, participate in CWEP unless the individual:

(a) Is participating in WIN/E&T; or

(b) Meets the WIN exemption criteria of WAC 388-24-107; or

(c) Is both currently (or becomes) employed at least eighty hours per month and earning not less than the legally established minimum wage for such employment. Persons employed at least eighty hours per month at jobs not having an established minimum wage shall be exempted regardless of wage level; or

(d) Is denied an AFDC grant for any month solely because the amount of the entitlement is less than ten dollars per month.

(4) The department shall:

(a) Provide coordination between CWEP and the WIN program:

(i) To ensure that job placement will have priority over participation in CWEP; and

(ii) To ensure that aid may not be denied on the grounds of failure to participate in either WIN or CWEP if participants are actively and satisfactorily participating in the other program.

(b) Provide that CWEP work hour requirements may be met hour for hour by documented job search activity which has received prior approval by the CWEP service worker~~((:))~~;

(c) Require appropriate standards of health, safety, and other conditions applicable to the performance of work;

(d) Ensure reasonable conditions of work, taking into account the geographic region, the residence of the participants, and the proficiency of the participants;

(e) Ensure that participants do not perform tasks in any way related to political, electoral or partisan activities, or which would result in displacement of persons currently employed or fill established unfilled position vacancies;

(f) Ensure that tasks have not been developed in response to or in any way associated with, the existence of a strike, lockout, or other bona fide labor dispute, or violate any existing labor agreement between employees and employers;

(g) Reimburse necessary transportation costs;

(h) Pay customary departmental scale costs of child care needed in order to participate in CWEP;

(i) Not require the use of the participant's assistance or income or resources to pay participation costs;

(j) Provide that assignments to CWEP projects will be made taking into consideration to the extent possible, the

prior training, proficiency, experience, and skills of a participant;

(k) Provide that assignment to CWEP projects shall not require participants to travel unreasonable distances from home or to remain away from home overnight without consent; and

(l) Provide worker's compensation coverage for participants through the department of labor and industries.

(5) CWEP participants shall be referred to and shall participate in work experience slots designed to serve a useful public purpose in public agencies or private non-profit organizations as agreed on by the agency and the department.

(6) The hours of CWEP participation required of any assistance unit, regardless of the number of participants in that unit, shall be no more than the number calculated by dividing the amount of the household's assistance grant by the greater of the federal or state minimum wage, not to exceed one hundred twenty-eight hours during a calendar month. The AFDC payment shall not be construed as compensation for work performed.

(7) If a recipient of AFDC-R fails or refuses without good cause to participate in the community work experience program, his or her needs shall not be taken into account in determining the family's need for assistance and grant amount. If a recipient of AFDC-E qualifying the family for AFDC-E fails or refuses without good cause to participate in the community work experience program, the entire assistance unit shall become ineligible for AFDC-E. ~~((This))~~ These sanctions shall be consistent with the WIN sanction period in WAC 388-57-064. A recipient adversely affected shall have the opportunity for administrative review and/or fair hearing as provided by RCW 74.08.070 and chapter 388-08 WAC. Good cause provisions are included in WAC 388-57-064. WAC 388-57-064(7)(d) shall not apply to CWEP participation.

**WSR 83-17-092**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2014—Filed August 23, 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 general assistance, amending chapter 388-37 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 41, 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 August 23, 1983.

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

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

WAC 388-37-010 CONTINUING GENERAL ASSISTANCE—EXCLUSIONS. (1) Continuing general assistance is a state-financed program (~~(which provides))~~ providing for the needs of some persons (~~(who are unable to work due to a mental, emotional or physical incapacity and who are))~~ not eligible for a federal aid grant(~~(; except as provided in WAC 388-37-010(2) and whose need is expected to continue for more than a sixty-day period, except as provided in WAC 388-37-038(1) through (4))~~) by reason other than resource and income eligibility. ~~((2))~~ Continuing general assistance cannot be granted to a person eligible for or receiving AFDC or to a person eligible for or whose needs are being met by Supplemental Security Income (~~(with the following exceptions:))~~, except as provided in WAC 388-37-010(2) through (5).

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

- ~~(i))~~ The applicant applies;
- ~~(ii))~~ The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;
- ~~(iii))~~ The applicant meets all other general assistance eligibility requirements.

~~(b))~~ (2) An AFDC parent in need of intensive treatment (thirty days or less) in an approved alcoholic treatment facility may be granted continuing general assistance for the cost of treatment. This payment is made through the vendor billing procedure.

(3) Effective August 23, 1983, an SSI recipient whose need is not being met by SSI because of separation from a spouse may be eligible to receive GAU in the amount necessary to supplement his or her need up to the level of the existing GAU payment standard.

~~((c))~~ (4) ~~((Effective March 31, 1981,))~~ An SSI recipient whose SSI check has been lost, stolen, missent, or otherwise delayed, may be granted GAU provided ~~((that))~~ the recipient agrees in writing to repay the amount of GAU assistance issued, and the applicant meets all other GAU eligibility requirements. ~~((3))~~ Continuing general assistance cannot be granted to a recipient of Supplemental Security Income when he or she is subject to any sanction for failure to comply with SSI eligibility requirements. ~~(4))~~ When an SSI check is lost in the mail system, issuance of GAU will be held in abeyance for ten working days from the first of the

month in which the check was issued to allow the warrant to be returned or delivered. If the recipient has an emergent need, the ten-day period may be waived by the CSO administrator.

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

(a) The applicant applies;

(b) The applicant assigns the initial SSI payment to DSHS up to the amount of the GAU provided to the applicant pending approval of the SSI application;

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

~~((5))~~ (6) When determining the amount of the initial SSI payment, do not include any advance payment or payment based upon presumptive disability or presumptive blindness. These payments are not considered SSI benefit payments for interim assistance purposes.

(a) The state cannot be reimbursed for any GAU authorized during the time period these payments cover.

(b) If the amount of the initial SSI payment recovered by DSHS prior to the payment of attorney's fees in subsection (7) of this section does not meet the amount paid as GAU, the balance must be treated as an overpayment. The period covered by any advance or presumptive payments is not included in this computation.

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

(7) Any agreement between the department and a supplemental security income applicant providing for the reimbursement of interim assistance to the department shall provide, if the applicant has been represented by an attorney, that twenty-five percent of the reimbursement received shall be withheld by the department and all or such portion thereof as has been approved as a fee by the United States Department of Health and Human Services shall be released directly to the applicant's attorney. The secretary may maintain such records as are deemed appropriate to measure the cost and effectiveness of such agreements and may make recommendations concerning the continued use of such agreements to the legislature. Reimbursement is limited to cases accepted by the attorney on or after August 23, 1983.

(8) Continuing general assistance cannot be granted to an individual eligible for or receiving AFDC or SSI when he or she is subject to any sanction for failure to comply with AFDC or SSI requirements.

AMENDATORY SECTION (Amending Order 1661, filed 6/3/81)

WAC 388-37-020 CONTINUING GENERAL ASSISTANCE—ELIGIBILITY CONDITIONS—GENERAL. (1) An applicant or recipient shall be a resident of the state of Washington as defined in WAC 388-26-055 and be living in an identifiable residence within the local office area.

(2) An applicant or recipient shall not have transferred property contrary to law or rules as specified in WAC 388-28-458 through 388-28-465.

(3) If an individual is living in an institution, WAC 388-34-010 through 388-34-020 also apply in eligibility determination.

(4) Continuing general assistance follows financial need determination as provided in provisions of chapter 388-28 WAC, except ~~((for the earned income exemption specified in WAC 388-37-025))~~ wherever income and resource rules differ for continuing general assistance and AFDC, any individual applying for or receiving continuing general assistance on the basis of pregnancy, shall have her eligibility determined according to AFDC income and resource rules.

AMENDATORY SECTION (Amending Order 1251, filed 11/10/77)

WAC 388-37-025 EARNED INCOME EXEMPTION. (1) The first eighty-five dollars plus one-half the remainder of total gross monthly earned income shall be exempt in determining eligibility for and the amount of assistance for incapacitated recipients of continuing general assistance ~~((as defined in WAC 388-37-030))~~.

(2) Earned income exemptions for pregnant recipients of continuing general assistance shall be determined in accordance with AFDC rules.

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

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

(1) Incapacitated persons. As used in this section, incapacitated person means a person ~~((who is))~~ physically, emotionally, or mentally unable to work as a result of a condition expected to continue for at least sixty days from date of application, except as provided in WAC 388-37-038(1) through (4). Incapacity refers to the individual's capacity to earn income by employment. It does not refer to the availability or lack of job opportunities.

(a) Eligible individuals are:

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

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

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

~~((d))~~ (iv) Persons in approved drug or alcoholism treatment programs may be eligible for less than a sixty-day period in accordance with the terms of their treatment plan, as provided in WAC 388-37-038(3) and (4).

~~((2))~~ (b) An incapacitated individual must accept and follow through on required available medical treatment, which can reasonably be expected to render him



or her able to work, unless there is good cause for failure to do so.

~~((a))~~ (i) The CSO incapacity review team shall make the "good cause" determination.

~~((b))~~ (ii) Individuals ~~((who are))~~ found to be incapacitated due to alcoholism or drug abuse must be participating in an approved alcoholism or certified drug treatment program, unless there is good cause for failure to do so.

~~((c))~~ (c) An incapacitated individual may also receive medical services provided under the state-financed medical care services program as defined in WAC 388-86-120.

(2) Effective August 23, 1983, pregnant women who:

(a) Meet all income and resource eligibility criteria for the federal aid to dependent children program; and

(b) Are in their first or second trimester of pregnancy and categorically eligible for a federal aid medical assistance program; or

(c) Are members of two-parent households during a time when the aid to dependent children-employable program is in effect, but do not meet categorical eligibility for AFDC-E. These women may receive a continuing general assistance grant and medical assistance under the state-financed medical care services program for the duration of their pregnancy.

AMENDATORY SECTION (Amending Order 1955, filed 3/30/83)

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

(a) Such incapacity must be verified by medical evidence as specified in WAC 388-37-035(2).

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

(2) The source of evidence for physiological incapacity will be a written report from a physician~~(;)~~ or the chief of medical administration, or his or her designee, of the Veterans' Administration as authorized in federal law. The source of evidence for a mental incapacity~~((the source))~~ may be a report from a psychiatrist, licensed clinical psychologist, or mental health professional designated by the local community mental health agency as defined in RCW 71.05.020. Supplemental medical evidence may be obtained from a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services. Such reports must include a diagnosis and prognosis for the incapacitating condition and the effect of the condition on the individual's ability to function, along with sufficient medical documentation to support any conclusions of incapacity.

(3) The determination of incapacity will be made on the facts of each case. This requires evaluation of the severity of the impairment and its effect on the individual so it can be determined whether there remains a capacity to engage in ~~((a useful occupation))~~ gainful employment. The primary reason for incapacity must be a medical impairment, but vocational factors, i.e., age, education, and work skills, may also be considered.

#### WSR 83-17-093

#### ADOPTED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Public Assistance)

[Order 2005—Filed August 23, 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.

This action is taken pursuant to Notice No. WSR 83-14-062 filed with the code reviser on July 1, 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 August 17, 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 83-17-094**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2006—Filed August 23, 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.

This action is taken pursuant to Notice No. WSR 83-14-045 filed with the code reviser on July 1, 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 August 17, 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)) <u>343</u>
(b) Two persons	\$ ((463)) <u>493</u>
(c) Three persons	\$ ((497)) <u>519</u>
(d) Four persons	\$ ((531)) <u>544</u>
(e) Five persons	\$ ((612)) <u>627</u>
(f) Six persons	\$ ((693)) <u>710</u>
(g) Seven persons	\$ ((802)) <u>822</u>
(h) Eight persons	\$ ((887)) <u>909</u>
(i) Nine persons	\$ ((974)) <u>998</u>
(j) Ten persons and above	\$ ((1,058)) <u>1,084</u>

(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 83-17-095**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2007—Filed August 23, 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 provider agreement, amending WAC 388-87-007.

This action is taken pursuant to Notice No. WSR 83-14-027 filed with the code reviser on June 30, 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 August 17, 1983.

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

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 83-17-096
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2015—Filed August 23, 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.

This action is taken pursuant to Notice No. WSR 83-14-043 filed with the code reviser on July 1, 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 August 17, 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:

Table with 4 columns: Hospital Group, Percent Revenue from Full-Charge Paying Patients, Percentage Point Reduction in Payment Rate, Percent Reduction Total Rate Setting Revenue. Rows 1-5.

WSR 83-17-097
EMERGENCY RULES
OFFICE OF
FINANCIAL MANAGEMENT
[Order 58—Filed August 23, 1983]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at Olympia, Washington, the annexed rules relating to travel regulations, chapter 82-28 WAC.

I, Joe Taller, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is chapter 29, Laws of 1983 1st ex. sess., (Substitute House Bill 127), authorizes the director of the Office of Financial Management to adopt reasonable allowances for subsistence, lodging and travel for state employees. Previously, any proposed changes to such reasonable allowances could be made only after legislative approval. The existing rates have not been increased in over two years and therefore have not reasonably reimbursed state officials and employees during the recent high inflationary period. In order to implement these changes upon the date this new law becomes effective, i.e., August 23, 1983, it is necessary to adopt this amended WAC 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 RCW 43.03.050 and 43.03.060 which directs that the Office of Financial Management has authority to implement the provisions of RCW 43.03.050 and 43.03.060.

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

APPROVED AND ADOPTED August 23, 1983.

By Joe Taller
Director

AMENDATORY SECTION (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-010 CONTROL OF TRAVEL. (1) A positive system of control over travel, reimbursable under these regulations, shall be established by each agency providing for authorization or approval by the agency head or ((his)) authorized designee. Authorization of travel should be exercised through the use of travel authorization form (Form A-40), or through other equally

effective means. A travel authorization form shall be used whenever a travel advance is required by an employee. Travel expense vouchers (Form A-20) must also be approved by the agency head or ~~((his))~~ authorized designee in the space provided on the form.

(2) Officers and employees are expected to exercise prudent judgment in incurring travel expenses on official state business. Excessive or unnecessary expenses shall not be approved or reimbursed. The number of employees from an agency attending a particular meeting should be the minimum necessary consistent with the benefit to be derived therefrom.

(3) The itinerary of an employee shall be planned to eliminate unnecessary travel in the performance of work assignments. Whenever it is feasible for two or more employees to travel on official business in one car, they should do so.

(4) Before placing an employee on travel status, the agency should determine whether it is more economical to reimburse the employee for subsistence and/or lodging, or require the employee to return to ~~((his))~~ the official station or residence daily or on weekends.

(5) For purposes of these regulations, "in-state travel" includes travel within the state of Washington and shall be reimbursed at "in-state travel" rates.

(6) For purposes of these regulations, "out-of-state travel" includes travel anywhere outside the boundaries of the state of Washington and shall be reimbursed at "out-of-state travel" rates.

(7) Transportation shall be by tourist class. All exceptions must be approved in advance by the agency ~~((director))~~ head or authorized designee.

~~((7))~~ (8) For purposes of these regulations, "High Cost ~~((cities))~~ Locations—Continental U.S.A." are specific cities or areas within the ~~((Continental United States and "High cost cities—Foreign" are specific cities or areas in Hawaii, Alaska and elsewhere outside of the Continental United States))~~ forty-eight contiguous states and the District of Columbia.

(9) For purposes of these regulations, "High Cost Locations—Non-Continental U.S.A." are specific cities or areas in Alaska, Hawaii, the Commonwealth of Puerto Rico, and possessions of the United States throughout the world.

(10) For purposes of these regulations, "High Cost Locations—Foreign" are specific cities or areas in foreign nations or localities throughout the world.

**AMENDATORY SECTION** (Amending Order 30, filed 6/1/76)

WAC 82-28-020 CONVENTIONS AND CONFERENCES. (1) When travel and other related costs are to be reimbursed or paid by the state for a conference, convention or other meeting of state employees, the location and facilities for the meeting shall be selected with consideration to the state's cost as well as the suitability of the facilities and convenience of any nonstate employees ~~((that))~~ who will be attending. First priority shall be given to using state-owned facilities in lieu of renting or leasing other facilities.

(2) Where a convention, conference or meeting involves attendance of 10 or more state employees, the

state employee responsible for the choice of location and facilities shall submit justification ~~((therefor))~~ to ~~((his))~~ the agency head or authorized designee for approval. The justification ~~((shall))~~ is to include the purpose and objective of the meeting and disclose the name of the organization or persons expected to attend and an estimate of the attendance. It ~~((should))~~ also is to provide an estimate of the anticipated cost to the state, including the travel cost of employees, and the reason why state-owned facilities cannot be used.

**AMENDATORY SECTION** (Amending Order 8, filed 6/16/70)

WAC 82-28-030 APPLICABILITY OF REGULATIONS. (1) Unless otherwise provided by law, these regulations shall be applicable in reimbursing the travel expenses of all state officers and employees.

(2) Where travel expenses are authorized by statute for other than state officers and employees, but the statute is silent as to amount, these regulations are applicable.

(3) Members of the senate or house of representatives, when on committee business, shall be entitled to receive allowances as provided in RCW 44.04.120 in lieu of per diem or travel expense as stipulated in these regulations.

**AMENDATORY SECTION** (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-040 BASIS FOR REIMBURSEMENT. (1) Reimbursement for subsistence and lodging expenses incurred on official business shall be either on an actual expense basis, ~~((an allowance))~~ or on a per diem basis in lieu of actual subsistence and lodging ~~((or a combination of both))~~ as determined by the agency head or authorized designee. However, total reimbursement shall not exceed the per diem allowance specified herein. Reimbursement shall be for all authorized travel, subject to the restrictions provided herein, but shall not be for expenses incurred at the official station or official residence of the traveler.

(a) The official station is the city, town or other location where the employee's office is located or the city, town or location where ~~((his))~~ the employee's work is performed on a permanent basis. An employee's official station shall be designated by the agency. It shall be determined by the needs of the agency and not assigned because it is the home or preferred living area of an employee.

(b) The official residence is the location where an employee ~~((owns a house or rents an apartment away from his official station, which is used as a domicile by him or his family))~~ maintains a residence which is used as a domicile by such employee or family.

(c) If an employee's official residence is not located within the limits of ~~((his))~~ the official station, travel expense when authorized ~~((shall be))~~ is allowed from ~~((his))~~ the official station or official residence, whichever is less.

(2) Agencies shall not use the method of actual reimbursement or per diem reimbursement to treat any employees differently under like travel circumstances. In

addition, employees shall be notified prior to commencement of the travel on official business as to their basis of reimbursement.

(3) Reimbursement shall be allowed only where the number of travel hours of an employee, BEFORE and/or AFTER the employee's REGULARLY SCHEDULED WORKING HOURS of any one day total three or more (~~(, except that)~~).

(4) The agency head or authorized designee may authorize reimbursement for the actual cost of luncheon or dinner meals for inter-agency meetings, or intra-agency meetings for agencies with multiple work stations throughout the state, when such meetings ARE AWAY FROM THE OFFICIAL STATION OR RESIDENCE, without regard to the travel hours (~~(as follows:)~~).

(a) Such reimbursement may only be made for the following:

(i) Where the meals are scheduled as an integral part of an official proceeding or program related to the state's business and the employee's responsibility, or

~~((b))~~ (ii) Where, in the course and scope of official business while on travel status, it is necessary for the employee to incur the cost of a meal with one or more individuals with whom (~~(his)~~) business is being conducted, other than state employees.

(b) In such cases the actual reasonable cost of the employee's own meal may be reimbursed, if it is expressly approved in writing by the agency head or authorized designee. The required approval may be endorsed either on a travel authorization form or on the employee's travel expense voucher. A justification supporting the authorization including the name of the organization or persons attending the meeting and its purpose or accomplishments must be included on the travel expense voucher under purpose of trip. If additional space is required for the justification, (~~(use)~~) the back side of the voucher may be used.

~~((4))~~ (5) Per diem shall be computed on a daily basis, using 12:00 midnight as the beginning and end of each day.

~~((5))~~ (6) For attendance at seminars or professional meetings as opposed to directed or administrative travel, reimbursement may be at less than the maximum rates established herein(~~(:)~~): PROVIDED (~~(HOWEVER,)~~) That in all instances reimbursement at a lower rate is acceptable to the employee.

~~((6))~~ Reimbursement for out-of-state travel will be paid at the out-of-state rate from the time of the employee's departure from his official station, residence, or point of any "in-state" stopovers.)

AMENDATORY SECTION (Amending Order 50, filed 4/28/81)

WAC 82-28-050 PER DIEM ALLOWANCE IN LIEU OF ACTUAL EXPENSES FOR SUBSISTENCE AND LODGING. (1) When reimbursement for subsistence and lodging in a commercial facility (a public facility selling lodging accommodations to travelers) is authorized, a rate of (~~(\$40.00)~~) \$50.00 per day shall be allowed for travel within the state of Washington and \$50.00 per day for travel outside the state of Washington except for those cities or areas in-state and

out-of-state designated as high cost (~~(cities—U.S.A. and high cost cities—Foreign)~~) locations (see WAC 82-28-06001). When travel is for a period of less than 24 hours but involves lodging in a commercial facility, reimbursement will be at the rate of (~~(\$1.67)~~) \$2.08 per hour for both in-state and (~~(\$2.08 per hour)~~) out-of-state. The name of the commercial facility used must be shown on the travel expense voucher.

(2) When lodging expenses are not incurred, per diem that reflects reimbursement for subsistence costs only will be paid. The per diem will be (~~(\$1.80 and)~~) \$2.00 per hour limited to a maximum of 10 hours in any 24 hour period for both in-state and out-of-state travel respectively.

(3) When an employee uses a travel trailer or camper in lieu of commercial lodging facilities for (~~(his own)~~) the employee's convenience, (~~(he)~~) the employee shall be reimbursed for the actual space rental cost as evidenced by a receipt. Reimbursement for subsistence costs will be at the rate established in WAC 82-28-050(2). Under no circumstances(~~(:)~~) will reimbursement exceed the (~~(\$40.00 or)~~) \$50.00 per day maximum(~~(s)~~) established for both in-state and out-of-state travel (~~(respectively)~~).

(4) Exceptions to subsection (3) above may be made when in the opinion of the agency (~~(director)~~) head or authorized designee suitable commercial lodging is not available, state lodging is not provided, and there is a benefit to the state for the employee to remain at (~~(his)~~) the temporary work station rather than commute to suitable lodging.

With the concurrence of the employee, the agency (~~(director)~~) head or authorized designee may authorize in such circumstances the use of a privately-owned travel trailer or camper, and reimburse the employee at the (~~(\$40.00 and)~~) \$50.00 per day maximum(~~(s)~~) established for both in-state and out-of-state travel (~~(reimbursement)~~). High cost (~~(area)~~) location rates will not apply to reimbursement for use of trailers or campers.

(5) Per diem allowance shall not be authorized under any of the following conditions:

(a) When the employee will not incur expenses for lodging because it is furnished by a state agency either directly or through the payment of lodging costs included in registration or conference fees.

(b) When an employee will not incur expenses for meals because they will be furnished by a state agency.

(c) When it is evident that actual costs of subsistence and lodging will be significantly less than the per diem allowance.

(6) When per diem is not authorized, employees shall be reimbursed within the limits of these regulations for actual costs which have been incurred for subsistence and lodging.

(7) Where the cost of meals is included in the registration fee of a meeting, conference or convention, an appropriate deduction (~~(therefor shall)~~) is to be made from the authorized per diem allowance. Agencies are to establish a standard deduction schedule for meal allowances based on a maximum equal to the current subsistence allowance reflected in WAC 82-28-050(2).

(8) Except as otherwise provided by law, those persons appointed to serve without compensation on any

state board, commission or committee, if entitled to reimbursement of travel expenses, shall be reimbursed as follows:

(a) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which is established by executive, legislative or judicial branch to participate in state government and whose function is primarily an advisory, coordinating or planning capacity, shall be paid travel expenses at the hourly rate of (~~(\$1.67 or)~~) \$2.08 for both in-state or out-of-state travel respectively, for each hour spent in going to, attendance at the meeting and (~~(return)~~) returning to home. Travel reimbursement in designated high cost locations is to be at an hourly rate equal to 1/24 of the high cost maximum per diem rate for the specific locality. No lodging receipts are required.

(b) Those individuals who serve on any part-time board, commission, council, committee or other group of similar nature which has rule-making authority, performs quasijudicial functions, has responsibility for the administration or policy direction of a state agency or program, or performs regulatory or licensing functions with respect to a specific profession, occupation, business or industry, shall be paid (~~(\$40.00 or)~~) \$50.00 per day for both in-state or out-of-state respectively, for each day or portion thereof spent in the conduct of the board, commission, council, etc., business. Travel reimbursement in designated high cost locations is to be at the high cost maximum per diem rate for the specific locality. No lodging receipts are required.

AMENDATORY SECTION (Amending Order 10, filed 7/17/70, effective 8/17/70)

WAC 82-28-060 REIMBURSABLE TRANSPORTATION EXPENSES. (~~(+)~~) Reimbursable transportation expenses include all necessary official travel on railroads, airlines, ships, buses, private automobiles and other usual means of conveyance. Transportation cost between home and official station is a personal obligation of the employee and is not reimbursable by the state.

AMENDATORY SECTION (Amending Order 50, filed 4/28/81)

WAC 82-28-06001 SPECIAL ALLOWANCES FOR HIGHER THAN USUAL SUBSISTENCE AND LODGING COST (~~(AREAS)~~) LOCATIONS.

(1) The following locations are considered high cost (~~(areas)~~) locations and officials or employees may be reimbursed subsistence and lodging expenses as follows:

(a) High Cost Locations—Continental U.S.A. The actual cost of lodging as evidenced by a receipt, plus subsistence based on \$2.30 per hour limited to a maximum of 10 hours in any 24 hour period, total reimbursement for subsistence and lodging not to exceed the maximum reimbursement rate periodically established by the office of financial management for a particular city or (~~(locality by the federal government and published periodically by the office of financial management.~~

(b) High cost locations—Foreign. Reimbursement for subsistence and lodging expense may be paid up to the

~~maximum rate established for a particular city or locality by the federal government as published periodically by the office of financial management. The hourly rate will be determined by dividing the reimbursement rate by 24)) area included in the locations defined in WAC 82-28-010(8): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees.~~

(b) High Cost Locations—Non-Continental U.S.A. Reimbursement for subsistence and lodging expense may be paid up to the maximum rate periodically established by the office of financial management for a particular city or area included in the locations defined in WAC 82-28-010(9): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees. The hourly rate will be determined by dividing the reimbursement rate by 24.

(c) High Cost Locations—Foreign. Reimbursement for subsistence and lodging expenses may be paid up to the maximum rate periodically established by the office of financial management for a particular city or area included in the locations defined in WAC 82-28-010(10): PROVIDED, That such rate shall not exceed the rate set by the federal government for federal employees. The hourly rate will be determined by dividing the reimbursement rate by 24.

(2) In lieu of receiving reimbursement at the rate specified for the High Cost Locations—Continental U.S.A., employees may be reimbursed the per diem allowance specified in WAC 82-28-050 provided that this method of reimbursement is determined prior to the start of the trip and approved in writing by the agency head, or (~~(his)~~) authorized designee.

AMENDATORY SECTION (Amending Order 14, filed 7/27/71)

WAC 82-28-070 OFFICIAL TRANSPORTATION REQUEST (SF 6855). (1) The official transportation request form shall be used for travel by common carrier and shall be issued only upon approval of the agency head or (~~(his)~~) authorized designee. This form shall be prepared in duplicate. The original shall be presented to the transportation company as the basis for billing the agency and the duplicate shall be forwarded to the agency's fiscal officer. The agency shall maintain an accountability record for each transportation request form.

(2) If there is an authorized change in itinerary to conduct official business, the employee may pay the added cost and claim reimbursement on (~~(his)~~) the travel expense voucher.

(3) Refunds on transportation requests shall be made to the state agency and the agency shall treat such items as recoveries of expenditures.

AMENDATORY SECTION (Amending Order 50, filed 4/28/81)

WAC 82-28-080 REIMBURSEMENT FOR USE OF PRIVATELY-OWNED MOTOR VEHICLES. (1) Reimbursement shall be allowed at a rate not to exceed

~~((†8))~~ 20 1/2¢ per mile for official travel. Mileage between points in the state shall be determined on the basis of the distances shown on the latest state transportation commission map, and the out-of-state mileage on the basis of standard highway mileage guides or by odometer readings. "Vicinity" miles as determined by odometer readings shall be shown on the voucher as a separate figure for each day's travel.

(2) When an official or employee requests to use a privately-owned motor vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or authorized designee, the official or employee shall be reimbursed at a rate ~~((established))~~ not to exceed 18¢ per mile pursuant to the provisions of WAC 82-28-190~~((†2))~~.

(3) Reimbursement shall be payable to only one of two or more employees traveling in the same motor vehicle on the same trip.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-090 MISCELLANEOUS TRAVEL EXPENSES. (1) Miscellaneous travel expenses essential to the transaction of official state business are reimbursable to the employee. Reimbursable expenses include, but are not limited to: (a) Taxi fares, car rentals, parking fees, and ferry and bridge tolls.

(b) Registration fees required in connection with attendance at conventions, conferences and official meetings.

(c) Rental of room in a hotel or other place which is used to transact official business. The room rental is reimbursable as a separate item when authorized by the agency head or ~~((his))~~ authorized designee.

(d) Charges for necessary stenographic or typing services in connection with the preparation of reports and/or correspondence, when authorized by the agency head or ~~((his))~~ authorized designee.

(2) Whenever possible, car rentals, registration fees, rental of rooms for official business, and other miscellaneous travel expenses in excess of \$10.00 are not to be paid for by the employee. The vendor of the services should be requested to bill the agency in accordance with ~~((the requirements set forth in the Budget and Accounting Manual))~~ prescribed purchasing requirements.

(3) Certain travel expenses are considered as personal and not essential to the transaction of official state business. Such nonreimbursable expenses include, but are not limited to: (a) Laundry, valet service and entertainment expenses, radio or television rental, tips and gratuities, and other items of a similar nature.

(b) Taxi fares, car rental and other transportation costs to places of entertainment and other similar facilities. In addition, transportation expenses between an employee's official residence and official station are not allowable.

(c) Costs of personal "trip insurance", and medical and hospital services.

(d) Personal telephone calls to the home of an employee, except where a brief call is made to advise the employee's family of a change in travel plans.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-100 LEAVE OF ABSENCE DURING TRAVEL. (1) When leave of absence of any kind is taken while in a travel status, the exact hour of departure and return to the field duty station must be shown on the travel expense voucher, and except as provided in the following paragraph, per diem shall not be granted for such period nor shall expenses be allowed for transportation to and from the post of duty in such case.

(2) Whenever a traveler takes leave of absence of any kind because of being incapacitated due to ~~((his))~~ illness or injury, not due to ~~((his))~~ the employee's own misconduct, the authorized reimbursement for subsistence and lodging may be continued during the leave period, but not to exceed in total the cost authorized for private ~~((car))~~ motor vehicle mileage or common carrier in returning the employee to ~~((his))~~ the official station or residence, whichever is closer, and then back to the assignment.

AMENDATORY SECTION (Amending Order 14, filed 7/27/71)

WAC 82-28-110 TRAVEL FOR CONVENIENCE OF EMPLOYEE. (1) If an employee elects to return to ~~((his))~~ the official station or residence after the close of a regularly scheduled working day, the maximum reimbursement shall be the lesser of either:

(a) The travel expense incurred in returning to ~~((his))~~ the official station or residence, or

(b) The amount which would have been allowable had the employee remained at ~~((his))~~ the temporary duty station.

(2) If an employee elects to return to ~~((his))~~ the employee's base, as set forth above, ~~((he))~~ the employee shall return to ~~((his))~~ the temporary duty station in time to observe the regularly scheduled working hours.

(3) No reimbursement for lodging or subsistence shall be paid to an employee for extra field time incurred ~~((if he travels))~~ in traveling to a destination for ~~((his))~~ the employee's own convenience in advance of the necessary time for arrival, nor shall ~~((he))~~ the employee be paid for extra field time incurred ~~((if he remains))~~ in remaining at the destination following an official meeting or other work assignment whenever it is for ~~((his))~~ the employee's own convenience.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-120 SUBMISSION OF TRAVEL EXPENSE VOUCHERS. (1) All travel expense vouchers must be completed in accordance with the instructions contained herein, and in the detail required on the travel expense voucher ~~((Form A-20))~~.

(2) The purpose or accomplishments of the trip are to be indicated in sufficient detail in the "Purpose of Trip" column of the travel expense voucher to document that the travel was essential to carry out the necessary work of the agency.

(3) Travel expense vouchers ~~((Form A-20))~~ should be submitted to the agency's fiscal office no later than



the 10th of the month following the close of each calendar month. However, agencies may elect to accept one expense voucher for the first 15 days of a month and another for the remainder of the month when the amounts involved are substantial. When a travel advance has been issued, any unexpended portion of the advance must be returned to the agency immediately at the end of the authorized travel period and the expense voucher prepared and submitted at the same time. The vouchers are to be prepared in ink, indelible pencil or by typewriter, and signed in ink or indelible pencil.

~~((3))~~ (4) Payment of expense vouchers by the agency's fiscal office should be made no later than 10 days after receipt of the properly completed ~~((Form A-20))~~ travel expense voucher.

AMENDATORY SECTION (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-130 RECEIPTS AND INFORMATION REQUIRED IN SUPPORT OF TRAVEL EXPENSE VOUCHERS. (1) Reimbursement for the actual cost of lodging, or for lodging in designated High Cost ~~((Cities))~~ Locations—Continental U.S.A. must be supported by a valid receipt from a commercial facility.

(2) Receipts for allowable expenditures for amounts in excess of \$5.00, plus any applicable tax, shall be required for sundry expenses and attached to the voucher, except for:

- (a) Day parking fees;
- (b) Transit fares, ferry fares, bridge and road tolls, and taxi and limousine fares when necessary and on official business;
- (c) Telephone calls where it is necessary to use a coinbox telephone or where the telephone call cannot be charged to the employee's office telephone extension.

(3) Exact time of departure and return shall be shown on the expense voucher and shall be designated as A.M. or P.M.

(4) When a state ~~((car))~~ passenger motor vehicle is used, ~~((this fact shall be shown))~~ the license plate number is to be indicated on the expense voucher.

(5) When two or more employees are traveling together in one ~~((car))~~ motor vehicle, each must indicate this fact, naming on ~~((his))~~ the expense voucher the persons ~~((with whom he was traveling))~~ accompanying the employee and the travel destination of each.

(6) When a privately owned ~~((automobile))~~ motor vehicle is used and reimbursement is requested, the expense voucher shall show approval or authorization for its use.

(7) The expense voucher shall not include expenses for supplies exceeding \$5.00 plus applicable tax. Such items must be purchased in accordance with requirements prescribed for regular purchases.

(8) When reimbursement for the use of a privately owned motor vehicle is made at the higher rate specified in WAC 82-28-080(1), documentation as to the non-availability of a state motor vehicle is to accompany the travel voucher.

AMENDATORY SECTION (Amending Order 35, filed 9/1/77)

WAC 82-28-135 DIRECT PAYMENT TO VENDORS SUPPLYING SUBSISTENCE OR LODGING.

(1) Approval of the agency ~~((director))~~ head or authorized designee must be obtained prior to authorizing direct billing to the agency and direct payment by an individual of the agency responsible for payment of the travel allowances.

(2) Any payments made in accordance with this section will, at a minimum, be supported by documentation consisting of:

(a) A list of officers and employees for whom such lodging or subsistence is furnished with the following ~~((date))~~ data:

- (i) Name of employee
- (ii) Organization
- (iii) Official station and official residence

(b) An invoice from the vendor detailing the number of meals served and the price per meal.

(c) ~~((For))~~ The details of the lodging payment are to include the following information ~~((will be furnished))~~:

- (i) Date(s) of occupancy
- (ii) Room number
- (iii) Single room rate
- (iv) Names of persons occupying the room

(3) Payments to vendors for subsistence and/or lodging expenses of individuals in travel status shall not result in a cost to the state in excess of what would be payable by way of reimbursement to the individuals involved.

(4) Agencies ~~((will be))~~ are required to institute procedures which will ensure that any payments made under this section are reasonable, accurate, and necessary for the conduct of the agency's business.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-140 PURPOSE OF TRAVEL EXPENSE ADVANCES. Whenever it becomes necessary for an ~~((elective or appointive))~~ official or employee of the state to travel and incur reimbursable expenses, an agency may make a travel expense advance to such officer or employee. The purpose of the advance is to defray the officer or employee's anticipated reimbursable expenses other than personal ~~((automobile))~~ motor vehicle expenses while traveling on state business away from ~~((his designated post of duty))~~ the official station or residence. The advance shall cover a period not to exceed ~~((30))~~ 90 days. ~~((Department heads))~~ Agencies are to establish written policies prescribing a reasonable amount for which such warrants may be written.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-150 HOW TO OBTAIN TRAVEL EXPENSE ADVANCES. The employee is to submit a travel authorization ~~((Form A-40))~~ to ~~((his))~~ the supervisor. Upon approval of the proposed travel, the supervisor will forward the travel authorization to the

agency head or ~~((his))~~ authorized designee. Upon approval of the advance, the agency's fiscal office will process the document for payment of the advance and present the employee with a warrant.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-160 SUBSEQUENT ACCOUNTING FOR TRAVEL ADVANCES. (1) Any unexpended portion of the travel advance shall be returned to the agency at the close of the authorized travel period. The authorized travel period is that period of time when the employee is in authorized travel status away from ~~((his))~~ the official station. Payment is to accompany an itemized travel expense voucher ~~((Form A-20))~~ and payment is to be made by check payable to the agency. The travel expense voucher will list all legally reimbursable expenses.

(2) If the travel advance is less than or equal to the travel expenses incurred, the officer or employee ~~((will))~~ is to submit on or before the tenth day following the month in which the authorized travel period ended, a fully itemized travel expense voucher justifying the expenditure of such advance for legally reimbursable expenses. The voucher ((will)) is to indicate a net amount, if any, due the employee. The agency ((will)) is to process the voucher in the manner prescribed for other payments and the agency ((will present)) is to reimburse the employee ((with a warrant)) for the additional amount due ((him)). The expense voucher will be filed by the agency with the payment copy of the travel ((expense)) advance.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-170 DEFAULT BY EMPLOYEE. (1) Any default in accounting for or repaying an advance ~~((shall render))~~ is to cause the full amount which is unpaid to become immediately due and payable with interest of ten percent per annum from date of default until paid.

(2) In order to protect the state from any losses on account of travel advances made, the state ~~((shall have))~~ has a prior lien against and a right to withhold any and all ((funds)) amounts payable or to become payable by the state to such officer or employee up to the amount of such travel advance and interest at a rate of ten percent per annum, until such time as repayment or justification has been made.

~~((3) No advance of any kind may be made to any officer or employee at any time when he is delinquent in accounting for or repaying a prior advance.))~~

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-180 LIMITATION OF USE OF TRAVEL EXPENSE ADVANCE MONIES. ~~((An advance shall be considered as having been made to such officer or employee to be expended by him as an agent of the state for state purposes only, and))~~ A travel advance

is to be expended by the officer or employee to specifically ((to)) defray necessary reimbursable costs while performing ((his)) official duties. No ((such)) travel advance shall be considered for any purpose as a loan to ((such)) an officer or employee, and any unauthorized ((expenditure of such funds)) disbursement of a travel advance shall be considered a misappropriation of state ((funds)) monies by the officer or employee.

AMENDATORY SECTION (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-190 USE OF PRIVATELY OWNED ((AUTOMOBILE)) MOTOR VEHICLE. (1) The use of a privately-owned ~~((automobile))~~ motor vehicle in the conduct of official state business may be authorized by the agency head or ~~((his))~~ authorized designee for any one of the following reasons:

(a) A state-owned ~~((agency or motor pool))~~ or operated passenger motor vehicle is not available.

(b) It is found to be more advantageous and economical to the state that an employee travel by a privately-owned motor vehicle rather than a common carrier or a state-owned or operated passenger motor vehicle as determined by use of cost-comparison data provided by the department of general administration ~~((; the \$5.00 minimum charge for use of state motor pool vehicles and consideration of other factors which provides the most advantageous and economical method of travel for the state)).~~

(2) Normally, the use of a privately-owned motor vehicle shall be based upon the agency work requirements and not the personal preference or convenience of an employee. However, when an employee requests to use a privately-owned motor vehicle in lieu of a state-owned or operated passenger motor vehicle that is available for use, and the request is approved by the agency head or ~~((his))~~ authorized designee, the employee shall be reimbursed at a rate which will be promulgated periodically by the office of financial management in WAC 82-28-080(2).

(3) The driver of a privately-owned motor vehicle authorized for use in the conduct of official state business must possess a valid driver's license.

(4) Traffic accidents are to be reported by the operator within 24 hours to the agency head or authorized designee and the proper law enforcement agency as required by law.

AMENDATORY SECTION (Amending Order 30, filed 6/1/76)

WAC 82-28-200 USE OF STATE ((AUTOMOBILES)) MOTOR VEHICLES—GENERAL REQUIREMENTS. (1) The use of a state-owned or operated passenger motor vehicle shall be authorized by the agency head or ~~((his))~~ authorized designee.

(2) Except as otherwise provided by law or by regulations of ~~((OPP&FM))~~ the office of financial management, state-owned, leased, or rented passenger motor vehicles shall be used only on official state business.

(3) The operator shall be responsible for maintaining good appearance of the passenger motor vehicle.



(4) The operator (~~((must))~~) is to adhere to careful driving practices, and observe traffic laws and regulations at all times.

(5) Purchase of gas, oil and other items under a state credit card or emergency repairs to vehicles (~~((shall))~~) are to be made in accordance with applicable Motor Pool and/or Department of General Administration regulations.

(6) Accident report blanks, trip log and insurance information (~~((shall))~~) are to be kept in the glove compartment of the passenger motor vehicle for employee use.

(7) Operators must have a valid driver's license in their possession while operating a state passenger motor vehicle.

AMENDATORY SECTION (Amending Order 30, filed 6/1/76)

WAC 82-28-210 PASSENGER MOTOR VEHICLE ACCIDENT REPORTS. (1) Traffic accidents must be reported by the operator within 24-hours to the agency head or (~~((his))~~) authorized designee and the proper law enforcement agency. All traffic accidents, regardless of how slight, must be reported in writing as required by the state's insurance carrier, state motor pool and the agency as applicable. Those accidents which involve personal injuries must be reported by telephone and followed up with a written report, both to the agency and insurance company.

(2) Where the employee-driver is presumed not at fault, the owning agency (~~((shall))~~) is to file its claim for damages with the insurance company of the other operator. Estimates of the cost of repairs (~~((shall))~~) are to be obtained as required and the insurance company advised of the cost.

(3) Each agency shall provide the governor's office with the collision frequency report on the established due dates.

AMENDATORY SECTION (Amending Order 8, filed 6/16/70)

WAC 82-28-220 USE OF RENTAL ((AUTO-MOBILES)) MOTOR VEHICLES. (1) A rental (~~((car))~~) motor vehicle may be used for official business under the following conditions: (a) A state owned (~~((car))~~) motor vehicle is not available;

(b) The use of the rental (~~((car))~~) motor vehicle is advantageous to the state, more economical than other conveyance, and necessary state business cannot be accomplished otherwise (e.g., mail, telephone);

(c) The rental (~~((car))~~) motor vehicle is charged to the agency on a credit basis;

(d) Use has been approved in advance by agency head or authorized designee through issuance of transportation request or credit card;

(e) Credit cards, if used, will be issued by agency head (~~((for his designee))~~) or authorized designee on a trip basis, rather than on permanent assignment;

(f) The rental (~~((car))~~) motor vehicle is obtained from a firm approved by the Division of Purchasing in those places where such firm offers the service (~~((check the file of Division of Purchasing Circular Letters for the list))~~);

(g) The day and purpose of the trip are shown on the travel expense voucher together with the transportation request or credit card number.

(2) (~~((Agency heads should recognize that the use of rental cars makes it difficult to segregate charges between official and personal use, and should))~~) Since the use of rental motor vehicles makes it difficult to segregate charges between official and personal use, the agency head or authorized designee is to take appropriate internal precautions to guard against abuse.

(3) Operators are to have a valid driver's license in their possession while operating a rental motor vehicle.

(4) Traffic accidents are to be reported by the operator within 24 hours to the agency head or authorized designee and the proper law enforcement agency as required by law.

AMENDATORY SECTION (Amending Order 41, filed 3/12/79, effective 4/15/79)

WAC 82-28-230 PROSPECTIVE EMPLOYEE INTERVIEW EXPENSES. (1) Statement of Policy. RCW 43.03.130 provides in part that any state agency may pay a prospective employee the necessary travel expense in connection with interviewing or examining (~~((said))~~) the prospective employee. It is the responsibility of the agency head to determine that (~~((frugality is being exercised))~~) prudent judgment is exercised in the payment of interview expenses.

(2) Prospective employees defined. Prospective employees are limited to applicants for the position of director, deputy director, assistant director, state supervisor or equivalent or higher position, engineers or other personnel having both executive and professional status. In the case of institutions of higher education, prospective employees are limited to applicants being considered for academic positions above the rank of instructor and professional or administrative employees in supervisory positions.

(3) Travel expenses defined. (a) Travel expenses are defined as necessary expenses, reimbursable by law to a state employee, which have been incurred by a prospective employee in traveling to and from a designated place for an interview or merit system examination. Travel expenses authorized for this purpose shall be payable at rates prescribed by law for state employees within the standards established by these regulations.

(b) For subsistence and lodging, reimbursement shall be on the same basis as for state employees. (~~((For prospective employees traveling only within the state of Washington, reimbursement for subsistence and lodging shall not exceed \$35.00 per day except in a designated high cost city as provided in WAC 82-28-06001. For prospective employees traveling from outside the state of Washington, reimbursement shall not exceed \$35.00 per day in the state of origin, and \$40.00 per day outside the state of origin.))~~)

(c) Reimbursement for travel shall be limited to the time required to travel by the most expeditious means.

(~~((c))~~) (d) Transportation expenses shall be authorized in an amount not to exceed the tourist round trip air fare.

~~((d))~~ (e) Other reimbursable expenses ~~((shall))~~ may include necessary costs incurred in travel by taxicab, bus, rental vehicle or other conveyance from and to the common carrier terminal or place of abode of the prospective employee, as required for the interview or examination.

(4) Mode of payment. (a) ~~((It is contemplated that the agency will))~~ The agency is to reimburse the prospective employee for travel expenses incurred after the prospective employee submits an itemization of such expenses on an invoice voucher (Form A19) in the same detail as required for travel reimbursement to state employees.

(b) When an applicant is called to be interviewed by or on behalf of more than one agency, the travel expenses may be paid directly by the state department of personnel or other corresponding personnel agencies, subject to reimbursement by the interviewing agencies on a pro rata basis.

(5) Prior authorization required. If the prospective employee is applying for a classified position, ~~((it will be necessary for))~~ the interviewing agency is to secure prior authorization of the state department of personnel or other corresponding personnel agency before offering to pay said prospective employee's travel expenses.

**WSR 83-17-098**

**ADOPTED RULES**

**DEPARTMENT OF REVENUE**

[Order IT 83-3—Filed August 23, 1983]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 458-65 WAC, state of Washington Uniform Unclaimed Property Act of 1983 rules.

- New WAC 458-65-020 Use of department forms.
- New WAC 458-65-030 Simultaneous reporting and remittance of unclaimed property.
- New WAC 458-65-040 Maturity of automatically renewable instruments.

This action is taken pursuant to Notice No. WSR 83-15-055 filed with the code reviser on July 20, 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 Revenue as authorized in section 38, chapter 179, 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 August 23, 1983.

By Clarence A. Borley, Director  
Inheritance Tax Division

NEW SECTION

WAC 458-65-020 USE OF DEPARTMENT FORMS. 1. The report of unclaimed property required by the Uniform Unclaimed Property Act of 1983 must be on forms provided by or approved by the Department.

2. The report, entitled Report of Unclaimed Property, is to be filed with the Department prior to November 1 each year (prior to May 1 by life insurance companies), and it becomes delinquent on that date if it has not been filed and an extension of time to file has not been given written approval by the department. Each report filed must be verified, which is accomplished by simultaneously filing the department supplied verification and checklist.

3. In some instances, computer printouts can be accepted in place of the department supplied report of unclaimed property. However, essentially the same format must be used and prior written approval by the department is required. It should be emphasized that the filing of a verification and checklist form is required even if the report is made via computer printout.

4. Because of the necessity of submitting a remittance report several months after the annual report is filed, the remittance report must duplicate the first report in every respect; however, interlineations or annotations may be added to indicate adjustments to the initial report. In other words, the line number of the entry on the form, the identifying number, the owner's last name and address, and all other information shown on the annual report must also be shown on the remittance report submitted subsequently. Where changes are indicated because of payment to the owner, etc., a line may be drawn through the entire line item, or brief explanatory comments may be added to explain the difference between the initially reported amount and the amount eventually remitted.

NEW SECTION

WAC 458-65-030 SIMULTANEOUS REPORTING AND REMITTANCE OF UNCLAIMED PROPERTY. Unclaimed property reported to the department for which the reporting holder is not required to report the name of the apparent owner must be delivered to the department at the time of filing the report. Thus, if the holder does not know the owner's name, or if the value of the property belonging to an individual owner is less than \$25, then the property must be turned over to the department at the time of filing the annual report of unclaimed property—before November 1 (before May 1 for life insurance companies). When a remittance is to accompany the annual report of unclaimed property, both the report form and the remittance form must be submitted at the same time. Should the holder have other unclaimed property that does not require remittance with the initial report, he must complete an entirely separate report of unclaimed property which is also to be sent to the department before November 1 (May 1 for life insurance companies), but the remittance for this latter report need not be forwarded until six months after the final date for filing the report.

Thus, it is probable that most holders of unclaimed property will submit two completely separate reports of unclaimed property each year: one (to be accompanied by remittance) for all of those accounts under \$25 or for those accounts where the name of the owner is missing and one for all other instances where in the remittance may be forwarded six months after filing the annual report.

### NEW SECTION

WAC 458-65-040 **MATURITY OF AUTOMATICALLY RENEWABLE INSTRUMENTS.** Automatically renewable property, such as a time deposit, is matured for purpose of abandonment upon the expiration of its initial time period or after one year if the initial period is less than one year, unless the owner of the property takes some specific action relative to the property before that time. Such action may include communicating in writing with the holding institution or otherwise indicating an interest in the property as evidenced by a memorandum or other record on file prepared by an employee of the financial organization holding the subject property.

For purposes of reporting unclaimed property which is automatically renewable, the abandonment period commences upon the first expiration of its time period subsequent to August 31, 1979. However, if the initial period of automatic renewal is less than one year, then the abandonment period commences after one year or September 1, 1979, whichever date is later.

Property unclaimed by its owner during the specified abandonment period is reportable as of June 30th in the fiscal year (the 12 month period running from July 1 to June 30 of the following calendar year) in which its full abandonment period is completed.

**EXAMPLE:** A 12 month certificate of deposit is automatically renewable and its 12 month period expired on September 1, 1979. If no contact is had with the owner, the certificate of deposit is considered abandoned after five years—September 1, 1984. It must then be included in the report covering property abandoned as of the next June 30th (1985). The annual report of unclaimed property for 1985, to be submitted prior to November 1, should thus include the value of this certificate of deposit abandoned on September 1, 1979, as well as all other similar property whose initial period of abandonment commenced between September 1, 1979 and June 30, 1980.

The interest rate the certification of deposit earned while in the possession of the holder must be shown in column 9 of the annual report.

**WSR 83-17-099**  
**ADOPTED RULES**  
**DEPARTMENT OF REVENUE**  
 [Order ET 83-6—Filed August 23, 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 vehicles 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.

This action is taken pursuant to Notice No. WSR 83-14-059 filed with the code reviser on July 1, 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 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 August 23, 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,</u>
<u>*Health foods</u>	<u>sugar substitutes</u>
<u>Honey</u>	<u>Syrups</u>
<u>Ice cream, toppings</u>	<u>Tea</u>
<u>Jam, jelly, jello</u>	<u>Vegetables, vegetable products</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 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 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 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 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 provided to business (nonresidential) customers.

The retail sales tax applies upon sales to a telephone company of all tangible personal property used as a consumer 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. 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 including sales of equipment 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 83-17-100**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Commission for Vocational Education)**  
[Order 2004—Filed August 23, 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.

This action is taken pursuant to Notice No. WSR 83-14-007 filed with the code reviser on June 24, 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 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 August 17, 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 83-17-101**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**

[Order 209—Filed August 23, 1983]

Be it resolved by the State Game Commission, acting at the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington, 98660, that it does adopt the annexed rules relating to the 1983 Upland Migratory Game Bird Seasons, adopting WAC 232-28-10601.

We, the Washington State Game 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 1983 Upland Migratory Game Bird Seasons are critical to the management of this wildlife resource based on biological data and to comply with federal regulations for these species. Emergency rule WAC 232-28-10601 will be repealed September 9, 1983, when permanent rule WAC 232-28-106 adopting these seasons takes effect.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 22, 1983.  
 By Vern Ziegler  
 Chairman, Game Commission

NEW SECTION

WAC 232-28-10601 1983 UPLAND MIGRATORY GAME BIRD SEASONS

-Statewide-

MOURNING DOVE:

September 1 - September 15, inclusive  
 Daily bag limit: 10  
 Possession limit: 20

BAND-TAILED PIGEON:

September 1 - September 30, inclusive  
 Daily bag limit: 5  
 Possession limit: 5

SHOOTING HOURS as follows: (Daylight Saving Time)

<u>DATES INCLUSIVE</u>	<u>Eastern Washington</u>		<u>Western Washington</u>	
	<u>From</u> <u>A.M.</u>	<u>To</u> <u>P.M.</u>	<u>From</u> <u>A.M.</u>	<u>To</u> <u>P.M.</u>
Thu. Sept. 1 Sun. Sept. 4	5:45	7:35	6:00	7:45
Mon. Sept. 5 Sun. Sept. 11	5:55	7:25	6:05	7:35
Mon. Sept. 12 Sun. Sept. 18	6:05	7:10	6:15	7:20
Mon. Sept. 19 Sun. Sept. 25	6:10	6:55	6:25	7:10
Mon. Sept. 26 Fri. Sept. 30	6:25	6:40	6:35	6:55

**WSR 83-17-102**  
**ADOPTED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
 [Order 213—Filed August 23, 1983]

Be it resolved by the State Game Commission, acting at the Thunderbird Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, that it does adopt the annexed rules relating to the 1983 Fall Turkey Season, WAC 232-28-407.

This action is taken pursuant to Notice No. WSR 83-14-080 filed with the code reviser on July 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 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 22, 1983.  
 By Vern Ziegler  
 Chairman, Game Commission

NEW SECTION

WAC 232-28-407 ✓ 1983 FALL TURKEY SEASON  
WAC 232-28-407

Either Sex - Sept. 24 - Sept. 30

	Daily	Possession
Klickitat and Skamania Counties	1	1

Bag and possession limit one turkey per calendar year (Jan. 1 - Dec. 31).

NOTE: Hunters are requested not to shoot roosting turkeys. Such a practice may disrupt the future use of traditional roosting areas.

Special regulations: Open for shotgun and bow and arrow only; turkey stamp required; return Game Harvest Report Card after making kill.

\*Cooperative Road Management Program—Klickitat County.

In order to improve the quality of fall turkey hunting opportunities in 1983, Washington Department of Game (WDG) will be using cooperative road management programs in Klickitat County. Limited road closures will be in place in the following three areas:

- Klickitat Habitat Management Area (Washington Department of Game Land)
- Wahkiacus Heights/Beaks Canyon (Department of Natural Resources Land)
- High Prairie (Department of Natural Resources Section)

OFFICIAL HUNTING HOURS

	<u>Eastern Washington</u>		<u>Western Washington</u>	
	From A.M.	To P.M.	From A.M.	To P.M.
Sat. Sept. 24 - Sun. Sept. 25	6:10	6:55	6:25	7:10
Mon. Sept. 26 - Fri. Sept. 30	6:25	6:40	6:35	6:55

**WSR 83-17-103**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
[Memorandum—August 23, 1983]

The state Human Rights Commission has agreed to change the location of its September 15, 1983, meeting from Olympia to Seattle.

**WSR 83-17-104**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commissioner of Public Lands intends to adopt, amend, or repeal rules concerning acquisition and management of grazing permits on state-owned range lands;

that the agency will at 9:30 a.m., Tuesday, September 27, 1983, in the Public Lands Building, Room 301, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 4, 1983.

The authority under which these rules are proposed is RCW 79.28.040 and 79.28.050.

The specific statute these rules are intended to implement is RCW 79.28.050 and 79.28.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-15-038 filed with the code reviser's office on July 19, 1983.

Dated: August 11, 1983  
By: Brian J. Boyle  
Commissioner of Public Lands

**WSR 83-17-105**  
**PROPOSED RULES**  
**DEPARTMENT OF AGRICULTURE**  
[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning chapter 16-125 WAC, adding a new section and repealing WAC 16-125-001, promulgation and WAC 16-125-110, effective date;

that the agency will at 2:00 p.m., Wednesday, October 5, 1983, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 10, 1983.

The authority under which these rules are proposed is chapter 15.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 5, 1983.

Dated: August 23, 1983

By: James E. Wommack  
Assistant Director

### STATEMENT OF PURPOSE

Title: Recording thermometer on farm bulk milk tanks.

Description of Purpose: To provide for the installation and operation of recording thermometer on farm bulk milk tanks.

Statutory Authority: Chapter 15.36 RCW.

Summary of Rule: The rule sets forth the manner in which thermometers are to be installed and operated.

Agency Personnel to Contact: Dick White, Chief, Dairy Inspection Section, Dairy and Food Division, Department of Agriculture, Olympia, WA, Mailstop: GG-11, Phone: 753-5042.

The rules are proposed by the dairy industry and the dairy inspection of the Department of Agriculture.

Agency Comments: None.

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

Small Business Economic Impact: None.

### NEW SECTION

WAC 16-125-200 RECORDING THERMOMETER—INSTALLATION. (1) After December 1, 1983, all new farm bulk tank installation shall include a recording thermometer and an automatic interval timer. Installation of a used milk tank shall be construed as a new installation.

(2) The installation and operation of recording thermometers and interval timers shall be the responsibility of the holder of the Grade A producer or producer-distributor license.

(3) A recording device shall not be installed on or attached to a farm tank. It may be suspended on metal brackets from the ceiling, firmly attached to the inside wall of the milk room, or at any location acceptable to the department.

(4) The sensor bulb or device shall be so located as to record the temperature of the milk in the tank before the milk reaches ten percent of the tank volume. Any capillary system containing any toxic gas or liquids shall not be used in a bare bulb sensor device.

(5) The recorder and chart shall be capable of recording from thirty-two degrees to one hundred eighty degrees Fahrenheit, or above, and shall be accurate within plus or minus one degree.

(6) The case of the recording device shall be moisture-proof under operating conditions in a milk house or milk room.

(7) Means shall be provided for sealing the recording pen arm setting.

(8) The recording chart shall make one revolution in twenty-four hours or forty-eight hours or seven days, with the recommendation that the chart rotation time coincide with the maximum storage period of the milk in the farm tank. A strip chart shall not be used.

(9) The recorder clock shall be electrically operated. The recorder pen shall reflect the actual time.

(10) If at any time the recording device becomes inoperable or out of tolerance, the inspection service and the pooling agent or hauler

shall be notified immediately by the dairyman. Repair or replacement of the device shall be made immediately.

(11) The dairyman shall maintain an adequate supply of recording charts. The charts shall be those recommended for the specific instrument which is installed.

(12) To preclude stratification, the internal timer shall be set and adjusted so the milk will be agitated for not less than a five minute period with a frequency of every two hours.

### NEW SECTION

WAC 16-125-210 RECORDING THERMOMETER—OPERATION. (1) Milk and milk products for consumption in the raw state or for pasteurization shall be cooled to forty degrees Fahrenheit or lower within two hours of completion of milking and maintained at that temperature until picked up as determined in accordance with RCW 15.36.110: PROVIDED, That the blend temperature after the first and subsequent milkings does not exceed fifty degrees Fahrenheit.

(2) In making a milk pick-up, the licensed grader and sampler shall:

(a) Remove the chart from the recorder;

(b) Mark the date and time of the pick-up;

(c) Sign the chart.

(d) Date and install a new chart on the recording device.

(e) File the used charts under protected conditions provided for by the dairyman, unless they are taken to the purchaser's premises for his review.

(f) If the charts are taken from the dairy, they shall be returned to the dairy within ten days from the date they were taken: PROVIDED, That subject to the approval of its members and the department, a pooling agent, processing plant, receiving plant or regular place of business may file the recording thermometer charts at its place of business.

(3) When all the milk goes to the same purchaser and all lots of milk meet the temperature requirements, the temperature recording charts may be used for more than one pick-up: PROVIDED, that all the pick-ups occur within the maximum time interval of the chart. When the chart is used for more than one pick-up, the licensed grader and sampler shall identify each lot of milk with the date, time of pick-up and his/her signature.

(4) Before removing the milk from the farm tank, the licensed grader and sampler shall check the recording, and if he/she finds temperature variations which would preclude acceptance of the product as Grade A milk, he/she shall immediately notify the dairyman, his/her employer, and the department of agriculture.

(5) If the milk is subsequently picked up as manufacturing milk or condemned, the licensed grader and sampler shall sign the chart, noting the date, time of receipt, and stick reading, and shall notify the department of agriculture.

(6) Except as otherwise provided in WAC 16-125-210(2), recorder charts shall be held at the producer-dairy for ninety days and shall be available to the dairy sanitarian.

### REPEALER

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

WAC 16-125-001 PROMULGATION  
WAC 16-125-110 EFFECTIVE DATE

WSR 83-17-106  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)  
[Filed August 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 GAU pilot project, new WAC 388-37-070;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 1983.

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

The specific statute these rules are intended to implement is RCW 74.08.390.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 24, 1983

By: Bruce Ferguson, Assistant Secretary  
Community Services

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045, regarding an amendment to the general assistance (GAU) program, in WAC 388-37-070, a new section concerning the GAU pilot project, being conducted in selected CSOs from June 1, 1983, through February 29, 1984.

The purpose of this new rule is to publish the guidelines for the revised GAU incapacity determination process, which will be implemented in the pilot project CSOs effective November 4, 1983.

Incapacity determinations will be made based on standardized medical evidence and standardized evaluation procedures in order to determine the existence, severity and duration of an incapacitating condition.

Statutory authority for this action is found in RCW 74.08.390 and 74.08.090.

The division responsible for drafting, implementing and enforcing the rule is the Division of Income Assistance, OB-31C. The contact person for the division is Barbara Hargrave, General Assistance Program Manager who can be reached at (206) 753-3340.

The proposed amendment is not necessary as a result of federal law, a federal court decision or a state court decision, and does not come under provisions of the Regulatory Fairness Act.

#### NEW SECTION

WAC 388-37-070 GAU PILOT PROJECT. Promulgated by order of the secretary of DSHS, according to RCW 74.08.390, the GAU pilot project has been established to revise the incapacity determination process to ensure statewide consistent incapacity decisions based

on standardized medical evidence and standardized evaluation procedures.

During the pilot project, to be conducted from June 1, 1983, through February 29, 1984, in the Spokane east, Rainier, and Pierce south CSOs, determination of incapacity for GAU will be made according to the following guidelines for decisions occurring on and after November 4, 1983:

(1) The general eligibility criteria in chapter 388-37 WAC applies with the following exceptions:

(a) In each section where the incapacity review team is mentioned, substitute the incapacity specialist.

(b) The requirement in WAC 388-37-030(2)(b) that individuals found incapacitated due to alcoholism or drug abuse must be participating in alcohol or drug treatment is eliminated.

(c) Criteria for the determination of incapacity in WAC 388-37-035 are waived and the pilot project criteria in subsection (2) of this section are substituted.

(d) Criteria for determining incapacity due to mental or emotional disorders in WAC 388-37-036 are waived and the pilot project criteria in subsections (3) and (4) of this section are substituted.

(2) Incapacity refers to the existence of a physiological or psychological impairment which renders the individual incapable of gainful employment.

(a) The source of evidence for a physiological impairment will be a written report from a physician and for a psychological impairment, the source will be from a psychiatrist, psychologist, or mental health professional. Supplemental medical evidence may be obtained from a nurse practitioner, physician's assistant, or DSHS institutions and agencies from which the individual is receiving or has received services.

(b) Such medical evidence must include the following for each condition:

(i) Diagnosis;

(ii) Prognosis;

(iii) Effect on the individual's ability to perform work-related activities;

(iv) Relevant medical history;

(v) Estimated duration; and

(vi) Sufficient medical evidence and clinical findings to substantiate a determination of incapacity.

(c) The primary reason for incapacity must be the medical impairment, but vocational factors, i.e., age, education, work skills, and ability to perform work, may also be considered. See subsection (4) of this section.

(d) Reasons for unemployment other than incapacity, such as individual employer preferences and business and economic conditions, are not factors to be considered in determining the individual's ability to engage in gainful employment.

(e) The determination of incapacity will be made solely by the department based on the criteria established herein. An incapacity or unemployability decision made by any other agency or person is not binding on the department.

(3) Alcohol or drug abuse does not in itself qualify an individual for GAU, except according to subsection (3)(a) and (b) of this section:

(a) Incapacity due to alcohol abuse will be considered to be established without medical documentation in the following situations:

(i) Up to thirty days of intensive inpatient treatment in a BASA-approved treatment center.

(ii) Up to thirty days following completion of intensive inpatient alcohol treatment.

(iii) Up to sixty days of residential treatment in a recovery or half-way house.

(iv) Up to one hundred eighty days of nonintensive treatment in a long-term residential program.

(b) Incapacity due to drug abuse will be considered to be established without medical documentation in the following situations:

(i) Up to thirty days from the date of admission to a detoxification center.

(ii) Up to thirty days following completion of an inpatient drug detoxification program.

(iii) Up to sixty days from beginning of treatment in a methadone (or approved substitute) maintenance program.

(iv) Up to sixty days from the date of admission to a residential center.

(c) Eligibility of an alcohol or drug abuser not meeting the criteria in subsection (3)(a) or (b) of this section is dependent on the presence of an incapacitating physiological or psychological impairment. The

alcohol or drug abuse will not be a factor in assessing an individual's impairment.

(d) Determine whether or not the individual has a physiological or psychological impairment, based on subsection (4) of this section. If not, the individual is ineligible for GAU.

(4) The determination of incapacity will be made by a progressive evaluation process as follows:

(a) Review the medical evidence to determine whether or not it is complete, in accordance with subsections (2) and (3) of this section. If not, determine whether additional medical evidence can be obtained.

(b) Determine the severity of the impairment based on evaluation of the medical evidence and on the following scale:

(i) Severity 01 - No impairment has been identified by objective medical evidence. The ability to engage in the basic work-related activities is not restricted.

(ii) Severity 02 - Slight impairment exists. A slight departure from the norm which would not significantly interfere with basic work-related activities.

(iii) Severity 03 - Moderate impairment exists. There is significant interference with one or more of the basic work-related activities, but the individual retains the functional capacity to engage in a wide range of medium work.

(iv) Severity 04 - Moderately severe impairment exists. There is significant interference with one or more of the basic work-related activities, but the individual retains the functional capacity to engage in a wide range of light work.

(v) Severity 05 - Severe impairment exists. The ability to perform one or more of the basic work-related activities is absent or severely restricted.

(c) Basic work-related activities include functions such as walking, standing, sitting, lifting, carrying, seeing, hearing, understanding, remembering, carrying out instructions and responding appropriately to others.

(d) If the overall severity rating for the individual is 01 or 02, the individual is considered employable and ineligible for GAU, without regard to vocational factors.

(e) If the overall severity rating for the individual is 05, the individual is considered unemployable and eligible for GAU, without regard to vocational factors.

(f) If the overall severity rating for the individual is 03 or 04, the effect of vocational factors will be considered.

(i) Considering all physiological and psychological impairments, determine whether or not the individual can perform past work. If so, the individual is considered employable and ineligible for GAU. If not, consider the other factors in subsection (4)(f)(ii) of this section.

(ii) Based on the individual's age, education, and work skills, determine eligibility for GAU.

(iii) Submit all denials and terminations for supervisory review.

**WSR 83-17-107**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(General Provisions)**  
 [Filed August 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 health facility certificate of need review fees, amending WAC 440-44-030;

that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 1983.

The authority under which these rules are proposed is RCW 43.20A.055.

The specific statute these rules are intended to implement is RCW 43.20A.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 28, 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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 23, 1983

By: Gerald Thomas, Assistant Secretary  
 Health and Rehabilitative Services

**STATEMENT OF PURPOSE**

This statement is filed pursuant to RCW 34.04.025. Amending WAC 440-44-030.

The Purpose of the Rule Change: To increase certificate of need application fees. An increase in certificate of need application fees is necessary to cover program expenses over the next twelve months. Based on a survey of health care facilities, pending certificate of need applications for FY '84 would generate insufficient revenues to cover program expenses under the existing fee schedule. Program expenses are increasing mainly as a result of funding requirements authorized by SB 4204 for local and regional certificate of need review activities. Certificate of need review provisions under RCW 70.38.125 require review of requests for extension of certificate validity periods. The current fee structure does not provide for a fee for this type of review. A proposed amendment would establish a \$500 fee.

Statutory Authority: Section 2, chapter 201, Laws of 1982.

Summary of Rule Changes: Increase the certificate of need revenue schedule by 25%; add provision for a \$500 fee for applications to extend validity periods of approved certificates; and correct grammatical error.

Person Responsible for Drafting, Implementation and Enforcement of the Rules: Frank Chestnut, Certificate of Need Unit Supervisor, Division of Health, Mailstop: ET-33, Phone 753-5854.

Rule Changes Proposed by: John A. Beare, M.D., M.P.H. Director, Division of Health, and recommended by staff of the Division of Health, DSHS.

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

The fees established by these regulations are assessed based on the dollar value of the application being reviewed. Since the fees are determined by the dollar value of the project rather than the size of the organization making the application, there is not a disproportionate

impact between small and large businesses. In addition, it is not anticipated that review activity pertaining to businesses employing less than 50 employees will be minimal to nonexistent.

**AMENDATORY SECTION** (Amending Order 1825, filed 6/4/82)

**WAC 440-44-030 HEALTH FACILITY CERTIFICATE OF NEED REVIEW FEES.** (1) An application for a certificate of need under chapter 248-19 WAC shall be accompanied by payment of a fee consisting of the following:

- (a) An application processing fee in the amount of five hundred dollars which shall not be refundable, and
- (b) A review fee, based on the total capital expenditure associated with the undertaking or project, as follows:

Proposed Capital Expenditure	Review Fee
\$ 0 to \$ 3,499	\$ 0
3,500 to 4,999	((25)) 35
5,000 to ((10,999))	75)
9,999	100
((11,000)) to 14,999	((135))
10,000	170
15,000 to 19,999	((200)) 245
20,000 to 24,999	((270)) 330
25,000 to 29,999	((345)) 425
30,000 to 34,999	((430)) 530
35,000 to 39,999	((520)) 645
40,000 to 54,999	((620)) 770
55,000 to 69,999	((730)) 910
70,000 to 84,999	((850)) 1,065
85,000 to 99,999	((985)) 1,230
100,000 to 129,999	((1,150)) 1,410
130,000 to 159,999	((1,290)) 1,610
160,000 to 204,999	((1,465)) 1,830
205,000 to 249,999	((1,660)) 2,075
250,000 to 399,999	((1,875)) 2,345
400,000 to 549,999	((2,110)) 2,640
550,000 to 699,999	((2,370)) 2,965
700,000 to 849,999	((2,655)) 3,320
850,000 to 999,999	((2,970)) 3,715
1,000,000 to 1,299,999	((3,315)) 4,150
1,300,000 to 1,599,999	((3,695)) 4,625
1,600,000 to 1,999,999	((4,115)) 5,150
2,000,000 to 2,499,999	((4,575)) 5,725
2,500,000 to 2,999,999	((5,080)) 6,355
3,000,000 to 3,999,999	((5,635)) 7,045
4,000,000 to 4,999,999	((6,245)) 7,805
5,000,000 to 7,499,999	((6,915)) 8,645
7,500,000 to 9,999,999	((7,655)) 9,565
10,000,000 to 14,999,999	((8,470)) 10,605
15,000,000 to 19,999,999	((9,315)) 12,269
20,000,000 to 29,999,999	((10,845)) 13,085
30,000,000 to 39,999,999	((11,975)) 14,565
40,000,000 to 49,999,999	((13,220)) 16,105
50,000,000 to 64,999,999	((14,590)) 17,845
65,000,000 to 79,999,999	((16,095)) 19,785
80,000,000 to 99,999,999	((17,750)) 21,965
100,000,000 and over	((19,500)) 24,385

- (2) A request for an amendment to a certificate of need application shall be accepted by the department only when accompanied by a non-refundable processing fee of two hundred ((and)) fifty dollars.
- (a) When an amendment results in a capital expenditure exceeding the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the amendment shall be accompanied by payment of an additional fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure.
- (b) When an amendment results in a capital expenditure less than the capital expenditure corresponding to the review fee paid at the time the application was first submitted to the department, the department shall refund the difference to the applicant.

- (3) When an application for an amended or extended certificate of need is submitted to the department subsequent to the issuance of a certificate of need, in accordance with the provisions of WAC 248-19-450 or WAC 248-19-460, such application shall be accompanied by payment of a nonrefundable processing fee in the amount of five hundred dollars and, if the amendment represents an increase in the capital expenditure associated with the project, a review fee representing the difference between the review fee paid when the application was first submitted and the review fee applicable to the increased capital expenditure associated with the application for amendment.
- (4) When an application is returned to an applicant in accordance with the provisions of WAC 248-19-280(2)(b) or (c), any review fees paid by the applicant shall be refunded, in full, by the department.

**WSR 83-17-108**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
 [Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Liquor sales in Indian country—Appointment of tribal liquor vendors—Qualifications, WAC 314-37-010;

that the agency will at 9:30 a.m., Wednesday, August 31, 1983, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, 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 66.08.030 and 66.08.050(2).

The specific statute these rules are intended to implement is RCW 66.08.050(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 31, 1983.

This notice is connected to and continues the matter in Notice No. WSR 83-15-062 filed with the code reviser's office on July 20, 1983.

Dated: August 24, 1983  
 By: L. H. Pederson  
 Board Member

**WSR 83-17-109**  
**PROPOSED RULES**  
**SUPERINTENDENT OF PUBLIC INSTRUCTION**  
 [Filed August 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 Transportation—Specifications for school buses, chapter 392-143 WAC;

that the agency will at 9:00 a.m., Wednesday, September 28, 1983, in the Old Capitol Building, Washington and Legion, State Board of Educations



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 October 10, 1983.

The authority under which these rules are proposed is RCW 46.61.380.

Dated: August 24, 1983

By: Frank B. Brouillet

Superintendent of Public Instruction

### STATEMENT OF PURPOSE

Rule: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Rule Section(s): WAC 392-145-001, Authority; 392-145-005, Purpose; 392-145-010, Definitions; 392-145-015, School bus specification manual; 392-145-025, Additional local specifications; 392-145-030, Initial inspection of school buses—Permit and license; 392-145-035, Routine inspection of school buses; 392-145-040, Other required inspections of school buses; 392-145-050, Resold school buses; 392-145-060, School bus specifications continued compliance; 392-145-065, School bus tires; and 392-145-070, Other vehicles used to transport students.

Statutory Authority: RCW 46.61.380.

Purpose of the Rule(s): To establish the specifications governing the design and marking of all school buses.

Summary of the New Rule(s) and/or Amendments: WAC 392-145-001, sets forth authority for this chapter; 392-145-005, sets forth purpose for this chapter; 392-145-010, provides specifications governing the design and marking of all school buses; 392-145-015, defines Type A, B, C, and D school buses; further defines buses used to transport special education students; 392-145-020, amended to describe the new school bus specifications manual incorporating all specifications required by the federal department of transportation motor vehicle safety standards; 392-145-025, excludes federal specifications from local specifications; 392-145-030, requires the initial inspection; operation permit and license of school buses during port of entry; 392-145-035, requires the routine inspection of school buses; 392-145-040, requires inspection of school buses which have been rebuilt, which have had a major modification or which have had a major repair; 392-145-050, provides for school districts' continued compliance with school bus specifications; 392-145-060, amended for clarity; 392-145-065, prohibits use of regrooved, recapped or re-treaded tires on front wheels of school buses; and 392-145-070, sets forth requirements for vehicles other than school buses which are used to transport students.

Reasons Which Support the Proposed Action(s): These proposed rules reflect new federal standards and implement technical changes.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: [No information supplied by agency]

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Is necessary to reflect federal standards.

### NEW SECTION

WAC 392-143-001 AUTHORITY. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking and mode of operation of all school buses transporting common school students.

### AMENDATORY SECTION (Amending Order 9-79, filed 11/9/79)

WAC 392-143-005 PURPOSE((S)). The purpose((s)) of this chapter ((are)) is to implement RCW 46.61.380 ((and establish)) by establishing the specifications governing the design and marking of all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of common school ((children (students))) students. The provisions of this chapter ((, including the school bus specifications provided for in WAC 392-143-015 and 392-143-020;)) shall be incorporated by express reference into all school district contracts for the transportation of common school students in privately owned and operated school buses.

### AMENDATORY SECTION (Amending Order 9-79, filed 11/9/79)

WAC 392-143-010 DEFINITIONS. As used in this chapter and subject to the "School bus specifications ((for School Buses))", as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of ((eleven or) more than ten persons regularly used ((regularly)) to transport ((children) students to and from school or in connection with school activities((PROVIDED, That the term school bus shall not include buses operated by common carriers in urban transportation of students)).

(2) ((<sup>(+)</sup>) A Type ((<sup>(+)</sup>) "A" school bus(<sup>(+)</sup>) shall mean ((any school bus manufactured as 96 inches in width and which provides at least 72 inches of headroom)) a conversion or body constructed upon a van-type compact truck or a front-section vehicle, with a gross vehicle weight rating of 10,000 pounds or less, designed for carrying more than ten persons.

(3) ((<sup>(+)</sup>) A Type ((H)) "B" school bus(<sup>(+)</sup> shall mean any school bus having less width and/or height than required for a Type I school bus. PROVIDED, That a Type H school bus shall contain not more than six rows of seats on the left side and five rows of seats on the right side of the school bus each placed with standard seat spacing)) shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis, or stripped chassis, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. Most of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(4) ((<sup>(+)</sup>Conversion)) A Type "C" school bus(<sup>(+)</sup>) shall mean ((any vehicle originally manufactured for service other than use as a school bus which has been converted to use as a school bus. PROVIDED, That a conversion school bus shall contain not more than five rows of two plus two seating with standard seat spacing)) a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. All of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus may also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more. Part of the engine is beneath and/or behind the windshield and beside the driver's seat. The entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons. The engine may be behind the windshield and beside the driver's seat; it may be at the rear of the bus,

behind the rear wheels, or midship between the front and rear axles. The entrance door is ahead of the front wheels.

~~((5<sup>A</sup>))~~ (6) A school bus to transport ~~((exceptional children<sup>A</sup>))~~ special education students shall mean any Type ~~((I, Type II, or conversion))~~ A, B, C or D school bus as defined in this section which has been modified to transport ~~((handicapped))~~ special education students.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-015 ~~SCHOOL BUS SPECIFICATIONS ((FOR SCHOOL BUSES))~~ MANUAL. The superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as ~~((the Specifications for School Buses))~~ "School bus specifications". Such manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses ~~((owned and operated by any school district and all school buses which are owned and operated under contract or otherwise with any school district in the state for the transportation of common school students))~~. Such manual is hereby incorporated into this chapter by ~~((this))~~ reference. Prior to any revision ~~((hereof))~~ of the school bus specification manual, the superintendent of public instruction shall serve notice to ~~((school districts))~~ interested parties and shall hold at least one public hearing.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-025 ADDITIONAL LOCAL SPECIFICATIONS. Any school district board of directors may adopt and require such additional school bus specifications as it deems necessary ~~((PROVIDED, That such additional specifications are supplemental to and not in conflict with the state and federal school bus specifications established, or referenced to, by this chapter))~~.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-030 INITIAL INSPECTION OF ~~((NEW))~~ SCHOOL BUSES—PERMIT AND LICENSE. All school ~~((bus operators (i.e., the school district or private contractor or party) shall have been issued a school bus operation permit for a bus))~~ buses, as a condition ~~((to))~~ for its use ~~((for the transportation of))~~ to transport students shall have a school bus operation permit issued in accordance with WAC 392-142-060. ~~((This permit shall be issued after the bus has been presented to one of the Washington state patrol school bus inspection centers and found to be in compliance with the school bus specifications provided for in this chapter. This inspection shall be recorded by a Washington state patrol inspection officer on a school bus inspection form issued by the superintendent of public instruction, and copies of such inspection results shall be forwarded to the superintendent.))~~ If the school bus is approved in compliance with WAC 392-145-060, the superintendent shall send three ~~((3))~~ copies of ~~((a))~~ the school bus operation permit to the ~~((operator))~~ appropriate school district. The original ~~((copy))~~ and such other information as is requested by the superintendent shall be retained by the ~~((superintendent))~~ school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license. All inspections of new school buses shall be made ~~((at least one week ahead of))~~ prior to the delivery ~~((date))~~ to the purchaser.

#### AMENDATORY SECTION (Amending Order 81-24, filed 9/4/81)

WAC 392-143-035 ROUTINE INSPECTION ~~((BY STATE PATROL))~~ OF SCHOOL BUSES. All school buses shall be inspected annually by the Washington state patrol. These inspection dates and centers shall be determined by the superintendent of public instruction and the chief of the state patrol. School districts shall be notified by the chief of the state patrol prior to each annual inspection of the time and place of inspection. School buses not presented for inspection at the time and place scheduled by the chief of the state patrol shall not be operated as a school bus unless the requirement is temporarily waived in writing by the chief of the state patrol or until the school bus has passed ~~((the))~~ a required ~~((annual))~~ inspection. A second ~~((annual))~~ inspection of at least twenty-five percent of each school district's fleet shall be conducted annually by the Washington state patrol. This second ~~((annual))~~ inspection shall be unannounced and the inspection

team shall select which buses in the fleet it will inspect. These unannounced ~~((second annual))~~ inspections shall be scheduled so that they do not disrupt the regular transportation program.

#### AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77, effective 11/11/77)

WAC 392-143-040 OTHER REQUIRED INSPECTIONS OF SCHOOL BUSES. All school buses which have been rebuilt, and/or received a major modification and/or received a major repair shall be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section a rebuilt school bus shall fully comply with all current Washington specifications ~~((and federal standards))~~ at the time the school bus is rebuilt, and shall be inspected in ~~((the same manner as a new school bus))~~ accordance with WAC 392-143-030.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications (e.g., hydraulic lift and/or ramp for wheelchairs) must meet all current state of Washington specifications ~~((and federal standards))~~ at the time the major modification is made and shall be inspected in accordance with WAC 392-143-030.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section a school bus that has received repairs to or rebuilding of the frame, steering, suspension, braking systems or has been repowered, shall be identified as that needing inspection. Any repairs made shall meet or exceed Washington specifications ~~((and federal standards))~~ in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items.

#### AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-143-050 ~~((REGULATIONS FOR))~~ RESOLD SCHOOL BUSES. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name ~~((and))~~, number and all lettering, and markings, ~~((and characteristics))~~ identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the emergency lights and stop signal paddle.

#### AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77, effective 11/11/77)

WAC 392-143-060 SCHOOL BUS SPECIFICATIONS CONTINUED COMPLIANCE ~~((WITH WASHINGTON STATE SCHOOL BUS SPECIFICATIONS))~~. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications ~~((and all federal standards that were))~~ in effect when the bus was manufactured, except as such standards or specifications were subsequently repealed or reduced.

#### AMENDATORY SECTION (Amending Order 8-77, filed 10/11/77, effective 11/11/77)

WAC 392-143-065 SCHOOL BUS TIRES ~~((FRONT AXLE))~~. No school bus shall be operated with regrooved, recapped or retreaded tires on the front wheels.

#### AMENDATORY SECTION (Amending Order 9-79, filed 11/9/79)

WAC 392-143-070 ~~((ALL))~~ OTHER VEHICLES ~~((OTHER THAN SCHOOL BUSES))~~ USED TO TRANSPORT STUDENTS. All ~~((other))~~ vehicles with a passenger capacity of ten persons or less, shall not be required to meet school bus specifications ~~((but if used))~~. Such vehicles regularly used to transport ~~((children))~~ students to and from school or in connection with school activities, must carry the approved school bus first aid kit, fire extinguisher and highway warning kit ~~((for school buses and))~~. These vehicles also must ~~((meet the semi-annual))~~ pass a safety inspection ~~((requirements))~~ routinely conducted ~~((by the Washington state patrol, for vehicle condition))~~ at the intervals outlined in WAC 392-142-035.

Students, while being transported in any vehicle used in to and from school transportation and school activities, shall share the same compartment and be provided the same general safety and comfort as the driver.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

(1) WAC 392-143-020 COMPLIANCE WITH FEDERAL MOTOR VEHICLE SAFETY STANDARDS.

(2) WAC 392-143-075 AMENDMENT AND WAIVER PROCESS.

**WSR 83-17-110**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 83-25—Filed August 24, 1983]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the General Administration Building, Olympia, Washington, 98504, the annexed rules relating to resolution of vocational rehabilitation disputes, WAC 296-18-210.

This action is taken pursuant to Notice No. WSR 83-15-065 filed with the code reviser on July 20, 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 51.41.060 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 51.04.020 and 51.41.020 which directs that the Department of Labor and Industries has authority to implement the provisions of Industrial Insurance Law, Title 51 RCW.

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

APPROVED AND ADOPTED August 23, 1983.

By Sam Kinville  
 Director

**AMENDATORY SECTION** (Amending Order 82-40, filed 11/30/82)

WAC 296-18-210 **RESOLUTION OF VOCATIONAL REHABILITATION DISPUTES.** (1) The injured worker, employer, department, or self-insurer, and the registered vocational rehabilitation counselor shall work in good faith to resolve all differences involving (a) the eligibility of the worker for vocational rehabilitation and (b) development and contents of the vocational rehabilitation plan. Disputes may be protested to the office of rehabilitation review for resolution.

(2) If the injured worker, department, or self-insurer disagrees with the recommendations of the initial contact report, the initial evaluation report, the vocational rehabilitation plan and its amendments, or the return to work summary report they may file a protest with the office of rehabilitation review which shall include a copy of the disputed document. A copy of the protest and disputed document shall also be sent to the other party. A disputer has fifteen days from the date of receiving

the document to file a protest. The office of rehabilitation review has fifteen days to render a decision. The office of rehabilitation review shall establish procedures for dispute resolution. Any decision at this point by the office of rehabilitation review is a preliminary matter and not subject to appeal to the board of industrial insurance appeals.

(3) If a party is dissatisfied with the decision of the office of rehabilitation review, it may petition the supervisor of industrial insurance as provided by section 6, chapter 63, Laws of 1982 (RCW 51.41.060) within fifteen days of receipt of notification of the decision rendered by the office of rehabilitation review. The supervisor, or the supervisor's designee, shall render a final decision within thirty days of receipt of the petition for review.

**WSR 83-17-111**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed August 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 permits to discharge commercial and industrial wastes, repealing chapter 372-24 WAC, and state waste discharge permit program, amending chapter 173-216 WAC;

that the agency will at 2:00 p.m., Wednesday, October 12, 1983, in the Air and Land Office Hearings Room, Rowsix, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 16, 1983.

The authority under which these rules are proposed is chapter 43.21A and 90.48 RCW.

The specific statute these rules are intended to implement is chapter 90.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 19, 1983.

Dated: August 23, 1983

By: John F. Spencer  
 Deputy Director

**STATEMENT OF PURPOSE**

Title: State waste discharge permit program, chapter 173-216 WAC.

Description of Purpose: Regulates, prohibits and exempts the discharge of waste materials into waters of the state.

Statutory Authority: Water Pollution Control Act, chapter 90.48 RCW.

Summary of Rule: Establishes a regulatory program for discharge of waste materials into the waters of the state.

Reasons Supporting Proposed Action: Updates existing regulation.

Agency Personnel Responsible for Drafting and Implementation: Carol Fleskes, Department of Ecology, (206) 459-6074; and Enforcement: Stan Springer, Department of Ecology, (206) 459-6042.

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: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and alter to minimize their impact on small businesses. Proposed chapter 173-216 WAC impacts several industries. A list of industries potentially impacted by chapter 173-216 WAC is on file at the code reviser's office and is available for public inspection. The major economic impact on these industries includes time required to complete applications (WAC 173-216-070), the cost of publishing notices (WAC 173-216-090), and the cost of public hearings (WAC 173-216-100). There is no fee charged for the permit. Because of the wide variety of industries, complexity of the permit application preparation may vary considerably from industry to industry. Within any one industry (3 digit SIC per chapter 19.85 RCW), there is no distinction made between large and small firms. Per statutory authority (RCW 90.48.160, 90.48.162 and 90.48.170) and federal law, all businesses which discharge waste into ground water and/or publicly owned treatment plants must apply for a permit and comply with the public notice requirements, regardless of the number of employees. However, it is assumed that within an industry, smaller firms would discharge less and, therefore, require less permit writing time. Cost of publishing, however, will vary, by circulation of the newspaper and not necessarily be related to the size of the business. However, public notice costs are minimal. In summary, the economic impacts of this rule are minimal. There is no distinction made between small and large firms. However, this rule does not add requirements beyond the statutory requirements, which can only be altered by congress or the state legislature.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 372-24-010 PROMULGATION.
- (2) WAC 372-24-020 FOREWORD.
- (3) WAC 372-24-030 DEFINITIONS.
- (4) WAC 372-24-040 OPERATIONS REQUIRING PERMITS.
- (5) WAC 372-24-050 APPLICATIONS.
- (6) WAC 372-24-060 TEMPORARY PERMITS.
- (7) WAC 372-24-070 PERMANENT PERMITS.
- (8) WAC 372-24-080 PERMIT FORMS.
- (9) WAC 372-24-090 ENFORCEMENT.
- (10) WAC 372-24-100 PERMIT SPECIFICATIONS—GENERAL.

Chapter 173-216 WAC  
STATE WASTE DISCHARGE PERMIT PROGRAM

WAC

- 173-216-010 Purpose.
- 173-216-020 Policy enunciated.
- 173-216-030 Definitions.
- 173-216-040 Authorization required.
- 173-216-050 Discharges not subject to permits.
- 173-216-060 Prohibited discharges.
- 173-216-070 Application for a permit.
- 173-216-080 Confidentiality of information.
- 173-216-090 Public notice.
- 173-216-100 Public hearings.
- 173-216-110 Permit terms and conditions.
- 173-216-120 Transfer of a permit.
- 173-216-130 Modification, suspension, and revocation of permits.
- 173-216-140 Relationship with NPDES permits.

NEW SECTION

WAC 173-216-010 PURPOSE. (1) The purpose of this chapter is to implement a state permit program, applicable to the discharge of waste materials into ground and surface waters of the state and into municipal sewerage systems. However, this regulation excludes the point source discharge of pollutants into navigable waters of the state which is regulated by national pollutant discharge elimination system (NPDES) permit program, chapter 173-220 WAC.

(2) Permits issued under this chapter are designed to satisfy the requirement for discharge permits under the Water Pollution Control Act, chapter 90.48 RCW, Part C of the Federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.) and section 307 of the Federal Water Pollution Control Act (33 U.S.C. § 1241 et seq.).

NEW SECTION

WAC 173-216-020 POLICY ENUNCIATED. (1) It shall be the policy of the department in carrying out the requirements of this chapter, to maintain the highest possible standards to ensure the purity of all waters of the state and to require the use of all known, available and reasonable methods to prevent and control the discharge of wastes into the waters of the state. Notwithstanding that standards of quality established for the waters of the state would not be violated, wastes and other materials shall not be allowed to enter such waters which will reduce the existing quality thereof, except in those situations where it is clear that overriding considerations of public interest will be served.

(2) Consistent with this policy, the disposal of waste materials from industrial, commercial, or municipal sources into wells will not be authorized by the department excepting in the most extraordinary circumstances. Under the extraordinary circumstance when an application for a permit is approved, the department shall include terms and conditions which shall require the use of all known, available, and reasonable methods to prevent and control waste discharges, to preserve beneficial uses of ground and surface waters, and to protect the public's health and welfare.

(3) Consistent with this policy, the discharge of waste materials into municipal sewerage systems which would interfere with, pass through, or otherwise be incompatible with such systems will not be permitted.

(4) Consistent with this policy, the department will act to prevent the disposal of wastes that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste materials.

NEW SECTION

WAC 173-216-030 DEFINITIONS. For the purposes of this chapter the following definitions shall be applicable:

(1) "Beneficial uses" shall include, but not be limited to, use for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

(2) "Dangerous wastes" means any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides, or any residues or containers of such substances which are disposed of in such quantity or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes:

(a) Have short-lived, toxic properties that may cause death, injury, or illness or have mutagenic, teratogenic, or carcinogenic properties; or  
 (b) Are corrosive, explosive, flammable, or may generate pressure through decomposition or other means (Hazardous Waste Disposal Act, chapter 70.105 RCW).

(3) "Department" means department of ecology.

(4) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such ground water infiltration or surface waters as may be present (Submission of Plans and Reports for Construction of Wastewater Facilities, chapter 173-240 WAC).

(5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim, or dispose of domestic wastewater together with such industrial waste as may be present. In case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank with subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day; or

(b) A mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity exceeding three thousand five hundred gallons per day (Submission of Plans and Reports for Construction of Wastewater Facilities, chapter 173-240 WAC).

(6) "FWPCA" means Federal Water Pollution Control Act as amended by 1981 amendment (33 U.S.C. § 466 et seq.).

(7) "Municipal sewerage system" means a publicly owned domestic wastewater facility or a privately owned domestic wastewater facility that is under contract to a municipality.

(8) "NPDES" means National Pollutant Discharge Elimination System permit program under section 402 of FWPCA.

(9) "Pass through" means the discharge of pollutants through a municipal sewerage system into waters of the state in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of the NPDES or state waste discharge permit, including an increase in the magnitude or duration of a violation (section 307 of FWPCA). Failure to obtain approval of an application for a new or increased discharge or change in the nature of the discharge according to WAC 173-216-110(5) would constitute such a violation.

(10) "Person" includes any political subdivision, local, state or federal government agency, municipality, industry, public or private corporation, partnership, association, firm, individual, or any other entity whatsoever.

(11) "SDWA" means the Federal Safe Drinking Water Act (42 U.S.C. § 300f et seq.).

(12) "Subsurface sewage treatment and disposal" means the physical, chemical, or biological treatment of domestic wastewater within the soil profile by placement beneath the soil surface in trenches, beds, seepage pits, mounds, or fills (Submission of Plans and Reports for Construction of Wastewater Facilities, chapter 173-240 WAC).

(13) "Waste materials" means any discarded, abandoned, unwanted or unrecovered material(s), except the following are not waste material for the purposes of this chapter:

(a) Discharges into the ground or ground water of return flow, unaltered except for temperature, from a ground water heat pump used for space heating or cooling: PROVIDED, That such discharges do not have significant potential, either individually, or collectively, to affect ground water quality or uses.

(b) Discharges of stormwater that is not contaminated or potentially contaminated by industrial or commercial sources.

(14) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ground waters, salt waters, and all other waters and water courses within the jurisdiction of the state of Washington.

(15) "Well" means any bored, drilled, driven or dug shaft where the depth is greater than the largest surface dimension and into which fluids are or may be emplaced.

(16) "USDW" means any actual or potential Underground Source of Drinking Water that:

(a) Is obtainable for beneficial uses; or

(b) Contains less than 10,000 parts per million total dissolved solids.

#### NEW SECTION

WAC 173-216-040 AUTHORIZATION REQUIRED. (1) No waste materials may be discharged from any commercial or industrial

operation into waters of the state, or into any municipal sewerage system, nor may waste materials be discharged from any municipal sewerage system into waters of the state, except as authorized pursuant to this chapter or chapter 173-220 WAC.

(2) Any person who constructs or modifies or proposes to construct or modify wastewater facilities must first comply with the regulations for Submission of Plans and Reports for Construction of Wastewater Facilities, chapter 173-240 WAC.

#### NEW SECTION

WAC 173-216-050 DISCHARGES NOT SUBJECT TO PERMITS. (1) The following discharges are not subject to permits under this chapter:

(a) Discharges to municipal sewerage systems of domestic wastewater from residential, commercial, or industrial structures.

(b) Any industrial or commercial discharge to a municipal sewerage system for which authority to issue permits has been granted to the municipality under RCW 90.48.165.

(c) Any industrial or commercial discharge to a municipal sewerage system operating under a local pretreatment program approved under section 307 of FWPCA.

(d) Discharges to municipal sewerage systems of wastes from industrial or commercial sources whose wastewater is similar in character and strength to normal domestic wastewater: PROVIDED, That such discharges do not have the potential to adversely affect performance of the municipal system. Examples of this type of discharge sources may include hotels, restaurants, laundries and food preparation establishments.

(e) Discharges for which an NPDES permit from the department is required pursuant to chapter 173-220 WAC.

(f) Discharges of domestic wastewater from a septic tank with subsurface sewage treatment and disposal and an ultimate design capacity less than or equal to fourteen thousand five hundred gallons per day. These systems are governed by chapter 248-96 WAC which is administered by the Washington state department of social and health services.

(g) Discharges of domestic wastewater from a mechanical treatment system or lagoon followed by subsurface disposal with an ultimate design capacity less than or equal to three thousand five hundred gallons per day. These systems are governed by chapter 248-96 WAC which is administered by the Washington state department of social and health services.

(2) A permit is required for any source subject to pretreatment standards promulgated under section 307 of FWPCA, unless exempted under subsections (1) (b) and (1)(c) of this section.

(3) These exemptions shall not relieve any discharger from the requirement to apply all known, available, and reasonable methods to prevent and control waste discharges to the waters of the state, nor the requirement to obtain approval of plans and reports for the construction of wastewater facilities. Nothing herein shall limit the authority of the department to take enforcement action for any unlawful discharge of waste materials or other violations of the Water Pollution Control Act, chapter 90.48 RCW.

#### NEW SECTION

WAC 173-216-060 PROHIBITED DISCHARGES. (1) The discharge restrictions and prohibitions of Dangerous waste regulations, chapter 173-303 WAC shall apply to this chapter.

(2) In addition, the following are prohibited:

(a) The disposal through wells of dangerous wastes.

(b) The discharge into a municipal sewerage system of substances prohibited from such discharge by section 307 of FWPCA.

(c) All of the following discharges to a municipal sewerage system:

(i) Waste materials that pass through the treatment works untreated or interfere with its operation or performance.

(ii) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient either alone or by interaction to cause fire or explosion or be capable of creating a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for their maintenance and repair or be injurious in any other way to the operation of the system or the operating personnel.

(iii) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the system.

(iv) Any wastewater having a pH less than 5.0 or greater than 11.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the system, unless the

system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter.

(v) Wastewater which would cause the influent temperature to exceed 40°C (104°F), unless the system is specifically designed to accommodate such discharge and the discharge is authorized by a permit under this chapter. In any case, any wastewater having a temperature which will interfere with the biological activity in the system is prohibited.

(vi) Any waste materials, including oxygen demanding waste materials (BOD, etc.), released in either a slug load or continuous discharge of such volume or strength as to cause interference to the system.

(vii) Any of the following discharges unless approved by the department under extraordinary circumstances, such as lack of direct discharge alternatives due to combined sewer service or need to augment sewage flows due to septic conditions:

(A) Noncontact cooling water in significant volumes.

(B) Stormwater, and other direct inflow sources.

(C) Wastewaters significantly affecting system hydraulic loading, which do not require treatment or would not be afforded a significant degree of treatment by the system.

#### NEW SECTION

**WAC 173-216-070 APPLICATION FOR A PERMIT.** (1) Any person not exempt under WAC 173-216-050, who proposes to discharge waste materials into waters of the state or into a municipal sewerage system, must file an application with the department at least sixty days prior to discharging, or in the case of an expiring permit, at least sixty days prior to the expiration of the permit.

(2) Applications for permits shall be on forms as prescribed by the department.

(3) The requirement for a permit application will be satisfied, if the discharger files:

(a) A completed permit application;

(b) When applicable, signature of approval by an authorized representative of the municipal sewerage system; and

(c) Any other information determined as necessary by the department.

(4) The application shall be signed in case of:

(a) Corporations, by a responsible corporate officer;

(b) A partnership, by a general partner;

(c) A sole proprietorship, by the proprietor;

(d) A municipal, state, federal, or other public facility, by either a principal executive officer or ranking elected official.

#### NEW SECTION

**WAC 173-216-080 CONFIDENTIALITY OF INFORMATION.** (1) Any information submitted pursuant to this chapter may be claimed as confidential by the applicant. Any such claim must be asserted at the time of application or notification by placing the words "confidential business information" or similar words, on each page containing such information. If no claim is made, the department may make the information available to the public without further notice. Claims of confidentiality for the following information will be denied:

(a) Name and address of applicant;

(b) Description of proposal;

(c) Description of underground sources of drinking water (USDW);

(d) Description of quality and quantity of receiving water; and

(e) Description of project's environmental impacts as provided in the State Environmental Policy Act, chapter 43.21C RCW;

(f) Description of quantity and characteristics of the effluent.

(2) Claims of confidentiality will be handled in accordance with the provisions of Disclosure—Campaign Finances—Lobbying—Records, chapter 42.17 RCW, Public Records, chapter 173-03 WAC, and Request for Certification of Records as Confidential—Procedure, RCW 43.21A.160.

#### NEW SECTION

**WAC 173-216-090 PUBLIC NOTICE.** (1) The applicant shall publish notice for each application in such a manner to inform and seek comments from interested and potentially interested persons.

(2) The public notice shall be in a form provided by the department and shall include at least the following:

(a) Name, address, and phone number of the office of the department issuing the public notice;

(b) Name and address of the applicant, and if different, of the facility or activity to be permitted;

(c) Brief description of the applicant's activities or operations which result in the discharge described in the application (e.g. municipal waste treatment plant, steel manufacturing, drainage from mining activities);

(d) A brief description of the discharge point(s);

(e) A statement of any tentative determination to issue or deny a permit for the discharge described in the application;

(f) A brief description of the procedures for the formulation of final determinations, including the thirty-day comment period required by subsection (6) of this section and any other means by which interested persons may influence or comment upon those determinations; and

(g) Address and phone number of the office of the department at which interested persons may obtain further information.

(3) Circulation of public notice shall include at least publishing once each week for two consecutive weeks, at applicants' expense, a public notice in a newspaper of general circulation in the county of the proposal. The department shall also, in the case of a discharge into a municipal sewerage system, notify the municipality of the intent to issue or deny a permit.

(4) The department may require the following additional public notification requirements:

(a) Mailing the notice to persons who have expressed an interest in being notified;

(b) Mailing the notice to other state agencies and local governments with a regulatory interest in the proposal;

(c) Posting the notice on the premises.

(5) The public notification requirements do not apply for permit renewal, if there are no increases in volume or changes in characteristics of discharge beyond those previously authorized.

(6) The public notice shall include a statement that any person may express their views in writing to the department within thirty days of the last date of publication.

(7) Any person submitting written comment or any other person may, upon request, obtain a copy of the department's final decision.

(8) The applicant shall provide the department with an affidavit of publication.

(9) The department shall add the name of any person, upon request, to a mailing list to receive copies of notices for all applications within the state or within a geographical area.

#### NEW SECTION

**WAC 173-216-100 PUBLIC HEARINGS.** (1) Any interested person may request a public hearing with respect to permit applications for which notice is required pursuant to WAC 173-216-090. Any such request for a public hearing shall be filed within the thirty-day period prescribed in WAC 173-216-090(6) and shall indicate the interest of the party filing such request and the reasons why a hearing is warranted.

(2) The department shall hold a hearing if it determines there is a significant public interest.

(3) Any hearing held pursuant to this subsection shall be held at a time and place deemed appropriate by the department.

(4) Public notice of any hearing held pursuant to this section shall be circulated at least as widely as was the notice of the application.

(5) Procedures for the circulation of public notice for hearings held shall include at least the following:

(a) Notice shall be published, at the applicant's expense, in at least one newspaper of general circulation within the area of the discharge;

(b) Notice shall be sent to all persons who received a copy of the notice given under WAC 173-216-090;

(c) Notice shall be mailed to any person upon request;

(d) Notice shall be given at least thirty days in advance of the hearing.

(6) The contents of public notice of any hearing held pursuant to this section shall include at least the following:

(a) Name, address, and phone number of the office of the department holding the public hearing;

(b) The purpose of the hearing;

(c) Name and address of the applicant;

(d) A brief description of the point(s) of discharge;

(e) Information regarding the time and location for the hearing;

(f) A brief description of the nature of the hearing;

(g) A concise statement of the issues raised by the persons requesting the hearing, when applicable;

(h) A brief reference to the public notice issued for each application, including identification number and date of issuance; and

(i) Address and phone number of premises at which interested persons may obtain information.

#### NEW SECTION

##### WAC 173-216-110 PERMIT TERMS AND CONDITIONS.

(1) Any permit issued by the department shall specify conditions necessary to prevent and control waste discharges into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Pretreatment standards under section 307 of the FWPCA;

(c) The technical criteria and standards of SDWA, following the effective date of the department assuming primary enforcement responsibility for the underground injection control program under Part C of the federal SDWA;

(d) Requirements pursuant to other laws, including the state's Hazardous Waste Disposal Act, chapter 70.105 RCW, the Solid Waste Management—Recovery and Recycling, chapter 70.95 RCW, the Resource Conservation and Recovery Act of 1976, Public Law 95.190 or any other applicable state or federal statute, to the extent that they pertain to the prevention or control of waste discharges into the waters of the state;

(e) Any conditions necessary to meet applicable water quality standards for surface waters or to preserve or protect beneficial uses for ground waters;

(f) Requirements necessary to avoid conflict with a plan approved pursuant to section 208(b) of FWPCA;

(g) Any appropriate monitoring and reporting requirements as specified by the department, including applicable requirements under sections 307 and 308 of FWPCA and section 1445 of SDWA;

(h) Schedules of compliance, including those required under sections 301 and 307 of FWPCA and section 1421 of SDWA, which shall set forth the shortest reasonable time period to achieve the specified requirements; and

(i) Prohibited discharge requirements as contained in WAC 173-216-060.

(2) The permits shall be for a fixed term, not exceeding five years.

(3) Representatives of the department shall have the right to enter at all reasonable times in or upon any property, public or private, for the purpose of inspecting and investigating conditions relating to the pollution or the possible pollution of any waters of the state. Reasonable times shall include normal business hours, hours during which production, treatment, or discharge occurs, or times when the department suspects a violation requiring immediate inspection. Representatives of the department shall be allowed to have access to, and copy at reasonable cost, any records required to be kept under terms and conditions of the permit, to inspect any monitoring equipment or method required in the permit and to sample the discharge, waste treatment processes, or internal waste streams.

(4) The permittee shall at all times be responsible for the proper operation and maintenance of any facilities or systems of control installed by the permittee to achieve compliance with the terms and conditions of the permit. Where design criteria have been established, the permittee shall not permit flows or waste loadings to exceed approved design criteria, or approved revisions thereto.

(5) A new application, or supplement to the previous application, shall be submitted, along with required engineering plans and reports, whenever a new or increased discharge or change in the nature of the discharge is anticipated which is not specifically authorized by the current permit. Such application shall be submitted at least sixty days prior to any proposed changes.

(6) In the event the permittee is unable to comply with any of the permit terms and conditions due to any cause, the permittee shall:

(a) Immediately take action to stop, contain, and cleanup unauthorized discharges or otherwise stop the violation, and correct the problem;

(b) Immediately notify the department of the failure to comply; and

(c) Submit a detailed written report to the department, within thirty days unless requested earlier by the department, describing the nature of the violation, corrective action taken and/or planned, steps to be taken to prevent a recurrence, and any other pertinent information.

(7) In the case of discharge into a municipal sewerage system, the department shall consider in the final permit documents the requirements of the municipality operating the system.

(8) Permits for domestic wastewater facilities shall be issued only to a responsible municipal corporation, except in the following circumstances:

(a) Facilities existing or approved for construction with private operation on or before the effective date of this chapter, until such time as the facility is expanded;

(b) Facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered single commercial establishments for the purpose of the preceding sentence.

(c) Facilities that are owned by nonpublic entities and under contract to a responsible municipal corporation shall be issued a joint permit to both the owner and the responsible municipal corporation.

#### NEW SECTION

WAC 173-216-120 TRANSFER OF A PERMIT. (1) A permit is automatically transferred to a new owner or operator if:

(a) A written agreement between the old and new owner or operator containing a specific date for transfer of permit responsibility, coverage, and liability is submitted to the department; and

(b) The department does not notify the permittee of the need to modify, or revoke and reissue the permit.

(2) Unless a permit is automatically transferred according to subsection (1) of this section, a permit may be transferred only if modified or revoked and reissued to identify the new permittee and to incorporate such other requirements as determined necessary by the department.

#### NEW SECTION

WAC 173-216-130 MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS. (1) Any permit issued under this chapter can be modified, suspended, or revoked, in whole or in part by the department for the following causes:

(a) Violation of any permit term or condition;

(b) Obtaining a permit by misrepresentation or failure to fully disclose all relevant facts;

(c) A material change in quantity or type of waste disposal; or

(d) A material change in the condition of the waters of the state.

(2) The department may modify a permit, including the schedule of compliance or other conditions, if it determines good and valid cause exists.

#### NEW SECTION

WAC 173-216-140 RELATIONSHIP WITH NPDES PERMITS. For a given facility, permit requirements under this chapter and NPDES permit requirements under Water Pollution Control Act, RCW 90.48.260, shall under normal circumstances, be contained in a single permit document, except for general permits as provided for in NPDES permit program, WAC 173-220-045.

### WSR 83-17-112

#### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning Fees—Radioactive waste management facilities, adopting chapter 173-44 WAC and repealing chapter 194-16 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 30, 1983, 2:00 p.m.

The authority under which these rules are proposed is chapter 19, Laws of 1983 1st ex. sess., Title 43 RCW.



The specific statute these rules are intended to implement is chapter 19, Laws of 1983 1st ex. sess.

This notice is connected to and continues the matter in Notice No. WSR 83-15-044 filed with the code reviser's office on July 19, 1983.

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

**WSR 83-17-113**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed August 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 Westport, City of, amending WAC 173-19-2208.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 29, 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 83-14-085 filed with the code reviser's office on July 6, 1983.

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

**WSR 83-17-114**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed August 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 Chelan County, amending WAC 173-19-120, and Seattle, City of, amending WAC 173-19-2521;

that the agency will at 2:00 p.m., Wednesday, September 28, 1983, in the Hearings Room, Department of Ecology Air and Land Offices, Rowsix, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 13, 1983.

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

The specific statute these rules are intended to implement is chapter 90.58 RCW.

Dated: August 23, 1983  
By: John F. Spencer  
Deputy Director

**STATEMENT OF PURPOSE**

Title: Amending WAC 173-19-120 Chelan County, and WAC 173-19-2521 Seattle, City of.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule Changes: The amendments adopt revisions to shoreline master programs for Chelan County and the city of Seattle.

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, 459-6287.

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: N/A.

AMENDATORY SECTION (Amending Order DE 81-27, filed 10/1/81)

WAC 173-19-120 CHELAN COUNTY. Chelan County master program approved April 22, 1975. Revision approved June 26, 1980. Revision approved July 15, 1981. Revision approved October 1, 1981. Revision approved October 13, 1983.

AMENDATORY SECTION (Amending Order DE 83-19, filed 7/12/83)

WAC 173-19-2521 SEATTLE, CITY OF. City of Seattle master program approved June 30, 1976. Revision approved March 11, 1977. Revision approved September 10, 1980. Revision approved February 24, 1981. Revision approved May 14, 1981. Revision approved October 1, 1981. Revision approved January 5, 1982. Revision approved February 24, 1983. Revision approved June 7, 1983. Revision approved July 12, 1983. Revision approved October 13, 1983.

**WSR 83-17-115**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
[Filed August 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 Anacortes, City of, amending WAC 173-19-3701;

that the agency will at 7:00 p.m., Thursday, October 25 1983, in the Anacortes Municipal Building, Community Center, 6th and Q Streets, Anacortes, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 15,



1983, at 2:00 p.m. at WDOE Headquarters, St. Martin's Campus, Room 273.

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 November 4, 1983, or orally at the public hearing.

Dated: August 23, 1983  
By: John F. Spencer  
Deputy Director

#### STATEMENT OF PURPOSE

Title: Amending WAC 173-19-3701 Anacortes, 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 Changes: The amendments adopt revisions to the shoreline master program for the city of Anacortes.

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, 459-6287.

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 82-43, filed 12/23/82)

WAC 173-19-3701 ANACORTES, CITY OF. City of Anacortes master program approved April 9, 1976. Revision approved November 25, 1980. Revision approved July 1, 1981. Revision approved December 15, 1982. Revision approved November 23, 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 83-17-116

#### PROPOSED RULES

#### DEPARTMENT OF ECOLOGY (Council on Environmental Policy)

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning SEPA rules, adopting chapter 197-11 WAC, and guidelines interpreting and implementing the State Environmental Policy Act, repealing chapter 197-10 WAC;

that the agency will at 7:00 p.m., Tuesday, September 27, Seattle Center, 305 Harrison, Seattle, WA, Nisqually Room; 7:00 p.m., Wednesday, September 28, Air/Land Hearings Room, Department of Ecology, 4224 6th Avenue S.E., Lacey, WA; 7:00 p.m., Tuesday, October 4, Spokane County Health Center, West 1101 College, Spokane, WA; and 7:00 p.m., Wednesday, October 5, Yakima County Courthouse, 128 North 2nd Street, County Extension Service, Rooms 231A and 232B, Yakima, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 17, 1983.

The authority under which these rules are proposed is RCW 43.21C.110, amended by section 7, chapter 117, Laws of 1983.

The specific statute these rules are intended to implement is section 7, chapter 117, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 14, 1983.

Dated: August 23, 1983  
By: John F. Spencer  
Deputy Director

#### STATEMENT OF PURPOSE

Title: State Environmental Policy Act (SEPA) rules.

Description of Purpose: Replace existing chapter 197-10 WAC with new chapter 197-11 WAC.

Statutory Authority: RCW 43.21C.110, amended by section 7, chapter 117, Laws of 1983.

Summary of Rule: Establishes procedures for determining whether an action is categorically exempt from the requirements of SEPA, exempt from the environmental impact statement (EIS) requirements of SEPA or requires preparation of an EIS. Establishes procedures to document the determination, to prepare an EIS, and to involve the public in the SEPA process.

Reasons Supporting Proposed Action: The 1983 legislature amended SEPA as a result of a two-year study and review by the Commission on Environmental Policy. The new chapter is required to bring the rules into line with the statutory amendments.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janet R. Rhodes, 459-6026, and Greg Sorlie, 459-6237, Department of Ecology, Mailstop PV-11, Olympia, WA 98504.

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: These proposed rules were drafted by the Commission on Environmental Policy. When the new rules are adopted, each state and local agency must implement and enforce their own rules or ordinance.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and altered, if necessary, to minimize their impact on small businesses. Chapter 197-11 WAC implements chapter 117, Laws of 1983. Many requirements of businesses are statutory requirements and therefore cannot be deleted from the implementing regulation. This statement will only be concerned with requirements set forth in the proposed regulation which are not specifically required by the statute. Many industries could be impacted by chapter 197-11 WAC. Any business proposing any activity which effects the environment is potentially subject to SEPA compliance. However, records of past SEPA activity are not coded by industry and are scattered in some 1500-2000 agencies, including state agencies, cities, counties, and special service districts. This statement does not attempt to identify the impacts of SEPA by industry or by size of firm, but examines costs to proponents based on the degree of impact to the environment. During the last five years (1978 through 1982), the Department of Ecology received an average of 300 draft environmental impact statements (EIS) and 3665 final declarations of nonsignificance per year. These averages will be used to estimate total cost of this regulation. Because the cost of compliance with this regulation is governed by degree of environmental impact, not size of firm, it is impossible to compare the economic impact of small firms versus large firms. However, larger and/or more complex projects generally are more likely to result in greater impact on the environment and also more likely to be undertaken by large firms.

Costs are outlined below for four cases:

Case 1

When compliance requires that an EIS be prepared, (when probable adverse environmental impacts are significant), the cost of preparing the EIS may be absorbed by the agency requiring the EIS or passed on to the applicant. The EIS requirement is statutory. The statute also states that the public must be involved; but does not specify how that involvement shall occur. The proposed regulation specifies involvement as (1) public notice in a newspaper of general circulation, (2) posting of the property, and (3) public hearing (in some cases). Current cost of one public notice varies from paper to paper in a range from \$40 to \$350. When an EIS is involved, two to three public notices are required, resulting in costs of \$80 to \$1,050. Posting costs are estimated at

\$100 to \$300, assuming a \$50 to \$100 range per posting. Public hearing cost involves room rental.

Case 2

There are four criteria which determine compliance under Case 2. They are: When more than one agency requires a permit or approval; when the project involves demolition of a building which, if under construction, would require SEPA compliance; when the action is grading or excavation; or when it involves a mitigated declaration of nonsignificance (DNS). Case 2 actions require a 15-day comment period and one public notice estimated at a cost range of \$40 to \$350.

Case 3

Case 3 actions require a DNS but no public notice.

Case 4

Case 4 actions are exempted from SEPA compliance.

General

Some local agencies charge a filing fee when an applicant submits an environmental checklist. These charges appear to range from \$10 to \$270 per checklist and would be added to costs outlined in cases 1 through 3. Based on a September 1978 study entitled "Green Goals and Greenbacks, A Comparative Study of State Level Environmental Impact Statement Program and Their Associated Costs," by S. L. Hart and G. A. Enk of The Institute on Man and Science, 80 percent of all actions are exempted from SEPA compliance (Case 4), 1 percent require preparation of an EIS (Case 1), and the other 19 percent require preparation of a DNS (Cases 2 and 3). Historical data to segregate SEPA impact by size of firm and by industry is available. However, the process would require several man-months to individually inspect and code files of 1500-2000 state and local agencies. This outlining of cost ranges of SEPA compliance should serve to satisfy the intent of the Regulatory Fairness Act.

Chapter 197-11 WAC  
SEPA RULES

WAC

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- 197-11-99215 Lead agency for private projects with one agency with jurisdiction.
- 197-11-99220 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-99222 Lead agency for private projects requiring licenses from a local special district (not a county/city) and one or more state agency.

197-11-99225	Lead agency for private projects requiring licenses from more than one state agency.
197-11-99230	Lead agencies for specific proposals.
197-11-99235	Transfer of lead agency status to a state agency.
197-11-99240	Agreements on lead agency status.
197-11-99245	Agreements on division of lead agency duties.
197-11-99260	DOE resolution of lead agency disputes.
197-11-99270	Assumption of lead agency status.
197-11-99280	Severability.
197-11-99290	Effective date.

#### PART ELEVEN - FORMS

197-11-99325	Environmental checklist.
197-11-99340	Adoption notice.
197-11-99350	Determination of nonsignificance. (DNS)
197-11-99360	Determination of significance and scoping notice. (DS)
197-11-99370	Notice of assumption of lead agency status.
197-11-99380	Notice of action and deadline for appeal.
197-11-99444	Elements of the environment.

#### PART ONE - PREAMBLE

##### NEW SECTION

WAC 197-11-010 PURPOSE OF THESE RULES. (1) The State Environmental Policy Act (SEPA) establishes a state environmental policy and provides means for carrying out the policy.

(2) SEPA makes environmental protection part of the authority of every unit of government (agency) in the state. SEPA is intended to help public officials make decisions that are based on an understanding of environmental consequences and take appropriate actions to protect, restore, and enhance the environment. The purpose of these rules is to tell agencies what they must do to comply with SEPA's policies and procedures.

##### NEW SECTION

WAC 197-11-020 OVERVIEW OF THE SEPA PROCESS. (1) Information. This section is intended to help the reader and the general public understand how SEPA works and what is in these rules. This section broadly describes the SEPA process and is included for information purposes only. This section is not regulatory and shall not be used to impose legal requirements or responsibilities. Some cross-references are given in this section to assist the reader. The regulatory requirements of these rules begin in Part 2 below.

(2) Substantive policy mandate. SEPA is intended to help everyone make better environmental decisions. SEPA contains broad, yet specific substantive policies and goals which apply to all actions of the entire state government. (RCW 43.21C.020, 43.21C.030(1).) SEPA works together with other laws to accomplish its mandate. (RCW 43.21C-.050, 43.21C.060.)

(3) Procedural mandate. The act requires all agencies (including local governments but not the judiciary or state legislature) that take certain actions to follow certain procedures to assure that appropriate consideration is given to environmental factors and that the act's substantive policies are carried out. (RCW 43.21C.030(2).)

(4) Environmental significance. The act's procedural provisions distinguish between actions that are likely to have "significant" environmental effects, and actions that are not. (RCW 43.21C.030(2)(c), 43.21C.031, 43.21C.110.) Actions likely to have significant adverse impacts are analyzed in an environmental impact statement (EIS).

(5) Threshold determination. The environmental review process under SEPA generally begins with a proposal by, or to, an agency (197-11-945.) A "lead agency" has principal responsibility for implementing SEPA procedures. (197-11-050.) The agency decides whether a proposal is likely to have a significant adverse environmental impact, even if the proposal is designed to improve the environment. (197-11-305 and 197-11-315.) The agency's decision is called a threshold determination, because the agency must decide whether the proposal's impacts would cross the threshold of environmental significance. (See Part 3 of these rules.)

(6) Categorical exemptions. Experience has shown that many proposed actions, or categories of actions, are not likely to have significant adverse environmental impacts, even though they may have some environmental impacts. Rather than requiring agencies to review the potential impacts of every proposal, SEPA requires, and these rules contain, a list of, "categorical exemptions." (197-11-320 and Part 9 of

these rules.) If a proposal falls within the scope of a categorical exemption, the agency is not required to prepare any environmental documents on the proposal or on the agency's decision that the proposal is exempt (RCW 43.21C.031; 197-11-310). Categorical exemptions in the rules do not apply, however, in certain circumstances (RCW 43.21C.110(1)(a)); namely, to certain proposals in environmentally sensitive areas (197-11-99125) or to certain proposals that include a series of categorically exempt actions (197-11-060(4)(g)).

(7) Environmental checklist. If a proposal is not exempt, and if it is uncertain whether an EIS is required, agencies use an "environmental checklist" to identify environmental impacts and decide if the impacts are significant. (197-11-325 and 197-11-99325.) Use of the checklist process also provides the means to carry out the act's procedural requirements for proposals that are not exempt and do not have significant environmental impacts.

(8) Determination of significance/nonsignificance. If an agency decides that a proposal would not have a significant impact, the agency issues a determination of nonsignificance (DNS), and no EIS is prepared. (197-11-310 and 197-11-350.) If an agency decides that a proposal would have a significant impact, the agency issues a determination of significance (DS) or similar notice. (197-11-310 and 197-11-360.) If a proposal is not exempt and has some environmental impact, agencies may consider whether mitigation measures will reduce or eliminate impacts. If so, agencies may issue a mitigated DNS (197-11-340). An environmental checklist and DNS may document mitigation measures which will be implemented. (197-11-340 and 197-11-350.)

(9) Scoping, draft and final EIS. If an EIS will be prepared, the agency must decide what to put in it. The scope of an EIS means the range of actions, alternatives, and impacts discussed in the statement (197-11-408 and 197-11-960). EISs must discuss a proposal's probable significant adverse environmental impacts (RCW 43.21C.031; 197-11-440). The agency will announce that an EIS is being prepared and invite agency and public comment on its scope. The scoping process leads to a draft EIS, which is circulated for a thirty-day review and comment period. (See Parts 4 and 5 of these rules.) After considering the comments and revising the draft EIS accordingly, the agency issues a final EIS and waits seven days before acting on the proposal (197-11-460).

(10) Agency decision. After considering the appropriate environmental concerns and documents, along with other relevant factors, the agency may act upon a proposal. SEPA does not require an EIS or other environmental document to be an agency's only decisionmaking document. An agency may condition or deny proposals of applicants under certain rules (RCW 43.21C.060; 197-11-720). An agency may rely on the environmental documents of other agencies to avoid duplication and delay. (197-11-640.) An agency must supplement its environmental review under certain conditions (Part 6 of these rules). Since a major purpose of SEPA is to link meaningful environmental review with government activities, agencies must decide when and how best to integrate the SEPA process with their existing planning and decisionmaking. (See, for example, 197-11-055, 197-11-060, 197-11-670, 197-11-740.) Challenges or appeals to agency SEPA compliance must be linked to a government action and be brought in a timely manner. (RCW 43.21C.075; 197-11-750.)

#### PART TWO - GENERAL REQUIREMENTS

##### NEW SECTION

WAC 197-11-030 AUTHORITY. (1) These rules are issued under SEPA, which is chapter 43.21C RCW. RCW 43.21C.110 specifies the content of these rules. These rules are promulgated under the authority granted in RCW 43.21C.110 and are intended to administratively implement that statute. RCW 43.21C.095 requires that these rules be given substantial deference in the interpretation of SEPA.

(2) These rules impose uniform requirements on all agencies. Each agency must have its own SEPA procedures which apply to the agency's activities. Agency SEPA procedures must be consistent with these state-wide rules. The effective date of these rules is stated in 197-11-99290.

(3) These rules replace the previous guidelines in chapter 197-10 WAC. Unlike the previous guidelines, these rules apply to more than just the environmental impact statement and related procedures.

(4) The provisions of these rules and the act must be read together as a whole in order to comply with the spirit and letter of the law.

NEW SECTION

WAC 197-11-035 DEFINITIONS. The terms used in these rules are explained in Part 8, Definitions, 197-11-800 to 197-11-990. This terminology shall be uniform throughout the state as applied to SEPA, chapter 43.21C RCW. References in these rules to 197-11 refer to chapter 197-11 of the Washington Administrative Code (chapter 197-11 WAC).

NEW SECTION

WAC 197-11-040 POLICY AND MANDATE. (1) Each agency and each person in Washington state has a responsibility to work toward achieving productive harmony between people and nature.

(2) Each agency shall use all practicable means, consistent with other essential considerations of state policy, to preserve and enhance environmental quality. Each person has a responsibility to contribute to the preservation and enhancement of the environment.

(3) The policies and goals set forth in SEPA supplement, or "overlay," agencies' existing authority.

(4) Agencies shall to the fullest extent possible:

(a) Interpret and administer the policies, regulations, and laws of the state of Washington in accordance with the policies set forth in SEPA and these rules.

(b) Find ways to make the SEPA process more useful to decision makers and the public; promote certainty regarding the requirements of the act; reduce paperwork and the accumulation of extraneous background data; and emphasize important environmental impacts and alternatives.

(c) Prepare environmental documents that are concise, clear, and to the point, and are supported by evidence that the necessary environmental analyses have been made.

(d) Initiate the SEPA process early in conjunction with other agency operations to avoid delay and duplication.

(e) Integrate the requirements of SEPA with existing agency planning and licensing procedures and practices, so that such procedures run concurrently rather than consecutively.

(f) Encourage public involvement in decisions that significantly affect environmental quality.

(g) Identify, evaluate, and implement, where required by the act and these rules, reasonable alternatives that would mitigate adverse effects of proposed actions on the environment.

NEW SECTION

WAC 197-11-050 LEAD AGENCY. (1) A lead agency shall be designated when an agency is developing or is presented with a proposal.

(2) The lead agency shall be the agency with main responsibility for complying with SEPA's procedural requirements.

(3) The lead agency shall be the only agency responsible for:

(a) The threshold determination; and

(b) Preparation and content of environmental impact statements.

(4) The specific rules for deciding upon a lead agency can be found in the rules beginning at 197-11-99201.

NEW SECTION

WAC 197-11-055 TIMING OF THE SEPA PROCESS. (1) Integrating SEPA and agency activities. The SEPA process shall be integrated with agency activities at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to seek to resolve potential problems.

(2) Timing of review of proposals. The lead agency shall prepare its threshold determination and EIS, if required, at the earliest possible point in the planning and decisionmaking process when the principal features of a proposal and its environmental impacts can be reasonably identified. A proposal exists at that stage in the development of an action when an agency is presented with an application, or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and the environmental effects can be meaningfully evaluated. The fact that proposals may require future agency approvals or environmental review shall not preclude current consideration, as long as proposed future activities are specific enough to allow some evaluation of their probable environmental impacts. Preliminary steps or decisions are sometimes needed before an action is sufficiently definite to allow meaningful environmental analysis. Agencies shall identify the times at which the environmental review shall be

conducted either in their procedures or on a case-by-case basis. Agencies may also organize environmental review in phases, as specified in 197-11-060(7). Appropriate consideration of environmental information shall be completed before an agency commits to a particular course of action. Any required environmental documents shall be completed before implementing proposals, as specified in 197-11-070.

(3) Applications and rulemaking. The timing of environmental review for certain common types of proposals shall be as follows:

(a) For applications, agencies shall commence environmental review, if required, when an application is complete. Agencies may initiate review earlier and may have informal conferences with applicants. A final threshold determination or FEIS shall normally precede or accompany the final staff recommendation, if any, in a quasi-judicial proceeding on an application. Agency procedures shall specify the type and timing of environmental documents that shall be submitted to planning commissions and similar advisory bodies (197-11-99122).

(b) For rulemaking, the DNS or DEIS shall normally accompany the proposed rule. An FEIS if any shall be issued at least seven days before adoption of a final rule (197-11-460(4)).

(4) Applicant review at conceptual stage. In general, agencies should adopt procedures for environmental review and for preparation of EISs on proposals by applicants at the conceptual stage as compared with the final detailed design stage.

(a) If an agency's only SEPA action is a decision on a building permit or other license that requires detailed project plans and specifications, agencies shall provide applicants with the opportunity for environmental review under SEPA prior to requiring applicants to submit such detailed project plans and specifications.

(b) Agencies may specify the amount of detail needed from applicants for such early environmental review, consistent with 197-11-100 and 197-11-330, in their SEPA or permit procedures.

(c) This subsection does not preclude agencies or applicants from preliminary discussions or exploration of ideas and options prior to commencing formal environmental review.

(5) An overall decision to proceed with a course of action may involve a series of actions or decisions by one or more agencies. If several agencies have jurisdiction over a proposal, they should coordinate their SEPA processes wherever possible.

(6) To meet the requirement to insure that environmental values and amenities are given appropriate consideration along with economic and technical considerations, environmental documents and analyses shall be circulated and reviewed with other planning documents to the fullest extent possible.

(7) For their own public proposals, lead agencies may extend the time limits prescribed in these rules.

NEW SECTION

WAC 197-11-060 CONTENT OF ENVIRONMENTAL REVIEW. (1) For purposes of agency compliance with RCW 43.21C.030(2), environmental review consists of the range of proposed actions, alternatives, and impacts to be analyzed in an environmental document, in light of SEPA's goals and policies.

(2) The content of environmental review depends on each particular proposal, on an agency's existing planning and decisionmaking processes, and on the time when alternatives and impacts can be most meaningfully evaluated.

(3) The content of environmental review for the purpose of deciding whether an EIS is required is specified in the environmental checklist and in 197-11-315. The content of environmental review for an environmental impact statement consists of its "scope" (197-11-960 and Part 4 of these rules). The content of any supplemental environmental review is specified in 197-11-660. This section specifies the content of environmental review common to all environmental documents required under SEPA.

(4) Proposals.

(a) Agencies shall make certain that the proposal which is the subject of environmental review is properly defined.

(b) Proposals include public projects or proposals by agencies. Proposals also include proposals by applicants, if any, and proposed actions and regulatory decisions of agencies in response to proposals by applicants.

(c) A proposal by a lead agency or applicant may be put forward as an objective, as several alternative means of accomplishing a goal, or as a particular or preferred course of action.

(d) Proposals should be described in ways which encourage considering and comparing alternatives. Agencies are encouraged to describe

public or nonproject proposals in terms of objectives rather than preferred solutions. A proposal could be described, for example, as "reducing flood damage and achieving better flood control by one or a combination of the following means: (i) Building a new dam; (ii) maintenance dredging; (iii) use of shoreline and land use controls; (iv) purchase of floodprone areas; or (v) relocation assistance."

(e) Proposals or parts of proposals which are related to each other closely enough to be, in effect, a single course of action shall be evaluated in the same environmental document. (Phased review is allowed under subsection (7).) Proposals or parts of proposals are closely related, and they shall be discussed in the same environmental document, if they:

(i) Cannot or will not proceed unless the other proposals (or parts of proposals) are implemented simultaneously with them; or

(ii) Are interdependent parts of a larger proposal and depend on the larger proposal as their justification.

(f) (Optional) Agencies may wish to analyze "similar actions" in a single environmental document. Proposals are similar if, when viewed with other reasonably foreseeable actions, they have common aspects which provide a basis for evaluating their environmental consequences together, such as common timing, types of impacts, alternatives, or geography. This section does not require agencies or applicants to analyze similar actions in a single environmental document or require applicants to prepare environmental documents on proposals other than their own.

(i) When preparing environmental documents on similar actions, agencies may find it useful to define the proposals in one of the following ways: (A) Geographically, which may include actions occurring in the same general location, such as a body of water, region, or metropolitan area; or (B) generically, which may include actions which have relevant similarities, such as common timing, impacts, alternatives, methods of implementation, environmental media, or subject matter.

(g) A proposal shall not be categorically exempt under these rules if it:

(i) Includes a series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

(ii) Includes a series of exempt actions that are physically or functionally related to each other, and that together may have a significant adverse environmental impact in the judgment of the lead agency.

For such proposals, the agency or applicant may proceed with the exempt aspects of the proposals, prior to conducting environmental review, if the requirements of 197-11-070 are met.

#### (5) Impacts.

(a) SEPA's procedural provisions require the consideration of "environmental" impacts. (See definition of "environment" in 197-11-865 and of "impacts" in 197-11-880.)

(b) SEPA requires attention to impacts which are likely, not merely speculative. (See definition of "probable" in 197-11-942 and 197-11-080 on incomplete or unavailable information.)

(c) In assessing the significance of an impact, the severity of an impact should be weighed along with its likelihood of occurrence. (See definition of "significant" in 197-11-970.)

(d) Agencies shall carefully consider the range of probable impacts, including short-term and long-term effects. Impacts shall include those that are likely to arise or exist over the lifetime of a proposal or, depending on the particular proposal, longer.

(e) A proposal's effects include direct and indirect impacts caused by a proposal. Impacts include those effects resulting from growth caused by a proposal, as well as the likelihood that the present proposal will serve as a precedent for future actions. For example, adoption of a zoning ordinance will encourage or tend to cause particular types of projects.

(f) A lead agency shall not limit its consideration of a proposal's impacts only to those aspects within its jurisdiction, including local or state boundaries.

(g) The range of impacts to be analyzed in an EIS (direct, indirect, and cumulative impacts, 197-11-960) may be wider than the impacts for which mitigation measures are required of applicants (197-11-720). This will depend upon the specific impacts, the extent to which the adverse impacts are attributable to the applicant's proposal, and the capability of applicants or agencies to control the impacts in each situation.

#### (6) Alternatives.

(a) Reasonable alternatives shall include any actions which could feasibly attain the objectives of a proposal but at a lower environmental cost or decreased level of environmental degradation. (See 197-11-440(5)(b) and 197-11-947.)

(b) Agencies and applicants are encouraged to include mitigation measures that will be implemented in the description of the proposal rather than as alternatives.

(c) The environmental impacts of mitigation measures shall not require detailed environmental analysis in an EIS, except as provided in 197-11-440(6) and 197-11-720(2).

(d) Environmental analysis of reasonable alternatives should be developed in sufficient detail to allow comparison of the alternatives including the proposed action and to be used with economic and technical analyses. Analysis of alternatives need not be discussed in the same length or detail as discussion of a proposed action or preferred alternative, if any (see 197-11-440(5)).

#### (7) Phased review.

(a) Lead agencies shall determine the appropriate scope and level of detail of environmental review to coincide with meaningful points in their planning and decisionmaking processes. (See 197-11-055 on timing of environmental review.)

(b) Environmental review may be phased. Phased review shall assist agencies and the public to focus on issues which are ripe for decision and exclude from consideration issues already decided or not yet ready. Broader environmental documents may be followed by narrower documents, for example, which incorporate prior general discussion by reference and concentrate solely on the issues specific to that phase of the proposal.

#### (c) Phased review is appropriate when:

(i) The sequence is from a nonproject document to a document of narrower scope such as a site specific analysis (see, for example, 197-11-443);

(ii) The sequence is from an environmental document on a specific proposal at an early stage (such as need and site selection) to a subsequent environmental document at a later stage (such as sensitive design impacts); or

(iii) The optional coordinated permit procedures are used (197-11-740).

#### (d) Phased review is not appropriate when:

(i) The sequence is from a narrow project document to a broad policy document;

(ii) It would merely divide a larger system into exempted fragments or avoid discussion of cumulative impacts; or

(iii) It would segment and avoid present consideration of proposals and their impacts which are required to be evaluated in a single environmental document under 197-11-060(4)(e) or (g); however, the level of detail and type of environmental review may vary with the nature and timing of proposals and their component parts.

(e) Lead agencies using phased review should so state in their environmental documents.

(f) Agencies shall use the environmental checklist, scoping process, nonproject EISs, incorporation by reference, adoption, and supplemental review, as appropriate, to define the scope of phased review and to avoid duplication and excess paperwork.

(g) Where proposals are related to a large existing or planned network, such as highways, streets, pipelines, or utility lines or systems, the lead agency may analyze in detail the overall network as the present proposal or may select some of the future elements for present detailed consideration. Any phased review shall be logical in relation to the design of the overall system or network, and shall be consistent with this section and 197-11-070.

### NEW SECTION

WAC 197-11-070 LIMITATIONS ON ACTIONS DURING SEPA PROCESS. (1) Until the responsible official issues a final threshold determination or final environmental impact statement, no action concerning the proposal shall be taken by a governmental agency that would:

(a) Have an adverse environmental impact; or

(b) Limit the choice of reasonable alternatives.

(2) In addition, certain DNSs require a fifteen-day period prior to agency action (197-11-350(3)), and FEISs require a seven-day period prior to agency action (197-11-460(4)).

(3) In preparing environmental documents, there may be a need to conduct studies that may cause nonsignificant environmental impacts. If such activity is not exempt under 197-11-99001(18), the activity

may nonetheless proceed if a checklist is prepared and appropriate mitigation measures taken.

(4) This section does not preclude the development of plans or designs, issuing of requests for proposals (RFPs), securing of options, or performance of other work necessary to develop an application for a proposal, as long as such activities are consistent with subsection (1).

#### NEW SECTION

**WAC 197-11-080 INCOMPLETE OR UNAVAILABLE INFORMATION.** (1) If information on significant adverse impacts essential to a reasoned choice among alternatives is not known, and the costs of obtaining it are not exorbitant, agencies shall obtain and include the information in their environmental documents.

(2) When there are gaps in relevant information or scientific uncertainty concerning significant impacts, agencies shall make clear that such information is lacking or that substantial uncertainty exists.

(3) Agencies may proceed in the absence of vital information as follows:

(a) If information relevant to adverse impacts is essential to a reasoned choice among alternatives, but is not known, and the costs of obtaining it are exorbitant; or

(b) If information relevant to adverse impacts is important to the decision and the means to obtain it are speculative or not known; then

(c) The agency shall weigh the need for the action with the severity of possible adverse impacts which would occur if the agency were to decide to proceed in the face of uncertainty. If the agency proceeds, it shall generally indicate in the appropriate environmental documents its worst case analysis and the likelihood of occurrence, to the extent this information can reasonably be developed.

(4) Agencies may rely upon applicants to provide information as allowed in 197-11-100.

#### NEW SECTION

**WAC 197-11-090 SUPPORTING DOCUMENTS.** (1) Agencies should use existing studies and incorporate material by reference whenever appropriate (see, for example, 197-11-425, 197-11-443, 197-11-640). Material incorporated by reference (197-11-885) shall be cited and its relevant content briefly described. Material may not be incorporated by reference unless its location is identified, and it is reasonably available for inspection by potentially interested persons within any time period allowed for comments.

(2) If an agency prepares background or supporting analyses, studies, or technical reports, such material shall be considered part of the agency's record of compliance with SEPA, as long as the preparation and circulation of such material complies with the requirements in these rules for incorporation by reference and the use of supporting documents.

#### NEW SECTION

**WAC 197-11-100 INFORMATION REQUIRED OF APPLICANTS.** (1) There are three areas of these rules where an agency is allowed to require information from an applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and
- (c) Environmental impact statement.

Further information may be required if the responsible official determines that the information initially supplied is not reasonably adequate to fulfill the purposes for which it is required. An applicant may, at any time, voluntarily submit information beyond that which may be required under these rules.

(2) Environmental checklist. An applicant may be required to complete the environmental checklist in 197-11-99325 in connection with filing an application. Additional information may be required at an applicant's expense, but not until after initial agency review of the checklist (197-11-325 and 197-11-330).

(3) Threshold determination. Any additional information required by an agency after its initial review of the checklist shall be limited to those elements on the checklist for which the lead agency has determined that information accessible to the agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. The lead agency may require field investigations or research by the applicant reasonably related to determining a proposal's environmental impacts (197-11-330). An applicant may clarify or revise the checklist at any time prior to a threshold determination. Revision of a checklist after a

threshold determination is issued shall be made under 197-11-350 or 197-11-360.

(4) Environmental impact statements. An EIS may be prepared by an applicant under the direction of the responsible official if allowed by the lead agency's SEPA procedures (197-11-420 and 197-11-99122). Alternatively, the responsible official may require an applicant to provide relevant information which is not in the possession of the lead agency. Although an agency may at its option include additional analysis not required under SEPA in an EIS (197-11-440(8), 197-11-448(4) and 197-11-670), an applicant shall not be required to furnish such information. An applicant shall not be required to provide information requested of a consulted agency until the agency has responded or the time allowed for its response has elapsed, whichever is earlier.

### PART THREE - THRESHOLD DETERMINATION

#### NEW SECTION

**WAC 197-11-300 PURPOSE OF THIS PART.** The purpose of this Part is to provide rules for:

(1) Administering categorical exemptions for proposals which would not have probable significant adverse impacts;

(2) Deciding whether a proposal has a significant adverse impact and thus requires an EIS;

(3) Providing a way to review and mitigate nonexempt proposals; and

(4) Integrating SEPA into early planning to ensure appropriate consideration of SEPA's policies and to eliminate duplication and delay.

#### NEW SECTION

**WAC 197-11-305 WHETHER EIS REQUIRED.** As required by RCW 43.21C.030(2)(c), environmental impact statements are to be included in recommendations or reports:

- (1) On proposals, as defined by 197-11-945;
- (2) For legislation, as defined by 197-11-900 and;
- (3) Other major actions, as defined by 197-11-815 and 197-11-915;
- (4) Significantly, as defined by 197-11-970;
- (5) Affecting, as defined by 197-11-820, 197-11-880, and 197-11-942;
- (6) The quality of the environment, as defined by 197-11-865.

#### NEW SECTION

**WAC 197-11-310 THRESHOLD DETERMINATION REQUIRED.** (1) A threshold determination shall be made as close as possible to the time an agency is developing or is presented with a proposal (197-11-945).

(2) The lead agency's responsible official shall make the threshold determination.

(3) In most cases, the time to complete a threshold determination should not exceed fifteen days. Upon request by an applicant, the responsible official shall select a date for making the threshold determination and notify the applicant of such date in writing.

(4) An agency is not required to document its threshold determination when the agency decides that a proposal is categorically exempt (197-11-320(2)).

(5) All other threshold determinations shall be documented in:

(a) A determination of nonsignificance (DNS), when the responsible official decides a significant adverse impact is not likely (197-11-350); or

(b) A determination of significance (DS), when the responsible official decides a significant adverse impact is likely (197-11-360).

#### NEW SECTION

**WAC 197-11-315 THRESHOLD DETERMINATION PROCESS.** (1) In making a threshold determination, the responsible official shall:

(a) Follow the rules in 197-11-325 if a checklist is used;

(b) Determine if the proposal is likely to have a significant adverse environmental impact by applying the criteria in 197-11-305 and in this section to the facts, to the checklist (197-11-99325), and to any additional information furnished under 197-11-330 and 197-11-340; and



(c) Consider mitigation measures which an agency or applicant will implement.

(2) In making a threshold determination, the responsible official may:

(a) Determine that a proposal is categorically exempt (197-11-320);

(b) Determine that all or part of the proposal, alternatives, or impacts have been analyzed in a previously prepared environmental document and adopt such document under the rules in 197-11-640; or

(c) Determine that environmental analysis would be more useful or appropriate in the future and commit to timely, subsequent environmental review, consistent with 197-11-055 through 197-11-070 and 197-11-660.

(3) In determining an impact's significance (197-11-970), the nature of the existing environment is an important factor. The same proposal may have a significant adverse impact in one location but not in another location. The absolute quantitative effects of a proposal are also important, and may result in a significant adverse impact regardless of the nature of the existing environment. The responsible official shall also be alert to the possibility that several marginal impacts when taken together will result in a significant adverse impact. For some proposals, it may be impossible to forecast the environmental impacts with precision, often because some variables cannot be predicted or values cannot be quantified. If after following 197-11-080 and 197-11-330 the lead agency reasonably believes that a proposal would be likely to have a significant adverse impact, an EIS is required.

(4) A threshold determination shall not balance whether the beneficial aspects of a proposal outweigh its adverse impacts, but rather, shall consider whether a proposal has any probable significant adverse environmental impacts under the rules stated in this section. For example, proposals designed to improve the environment, such as sewage treatment plants or pollution control requirements, may also have significant adverse environmental impacts.

#### NEW SECTION

WAC 197-11-320 CATEGORICAL EXEMPTIONS. (1) If a proposal fits within any of the provisions in Part 9 of these rules, the proposal shall be categorically exempt (197-11-835) except as provided in this section.

(2) Although documentation is not required (197-11-310(4)), agencies may note on an application that a proposal is categorically exempt or simply place such a determination in agency files.

(3) In the following circumstances, a proposal which would potentially be categorically exempt under these rules shall not be determined to be exempt:

(a) The proposal is a segment of a proposal under 197-11-060(4)(g); or

(b) The proposal is not exempt under 197-11-99125 for environmentally sensitive areas.

(4) Agencies may petition the department of ecology to add or delete exemptions under 197-11-99090.

#### NEW SECTION

WAC 197-11-325 ENVIRONMENTAL CHECKLIST. (1) Agencies:

(a) Shall use the environmental checklist substantially in the form found in 197-11-99325 to assist in making threshold determinations for proposals, except for: Categorically exempt proposals, public proposals on which the lead agency has decided to prepare its own EIS, or proposals on which the lead agency and applicant agree an EIS will be prepared.

(b) May use an environmental checklist whenever it would assist in their planning and decision making.

(c) Shall not require an applicant to prepare a checklist under SEPA if a checklist is not required by (1)(a) of this section.

(2) The lead agency shall:

(a) Prepare the checklist, or require an applicant to prepare the checklist and follow the instructions in the introduction to the checklist in 197-11-99325;

(b) Independently evaluate the checklist responses of any applicant and indicate the result of its evaluation in the DS, in the DNS, or on the checklist;

(c) Conduct its initial review of the checklist and any supporting documents without requiring additional information from an applicant.

(3) The items in the checklist are not weighted. The mention of one or many adverse environmental impacts does not necessarily mean that the impacts are significant.

#### NEW SECTION

WAC 197-11-330 ADDITIONAL INFORMATION. The lead agency shall make its threshold determination based upon information reasonably sufficient to evaluate the environmental impact of a proposal (197-11-055(2) and 197-11-060(4)). The lead agency may take one or more of the following actions if, after reviewing the checklist, the agency concludes that there is insufficient information to make its threshold determination:

(1) Require an applicant to submit more information on subjects in the checklist;

(2) Make its own further study, including physical investigations on a proposed site;

(3) Consult with other agencies, requesting information on the proposal's potential impacts which lie within the other agencies' jurisdiction or expertise (agencies shall respond in accordance with 197-11-550); or

(4) Decide that all or part of the action or its impacts is not sufficiently definite to allow meaningful environmental analysis and commit to timely, subsequent environmental analysis, consistent with 197-11-055 through 197-11-070.

#### NEW SECTION

WAC 197-11-340 MITIGATED DNS. (1) In making threshold determinations, an agency may consider mitigation measures which the agency or applicant will implement.

(2) Prior to the lead agency's threshold determination on a proposal, an applicant may request the lead agency to indicate whether a DS appears likely. If the lead agency indicates a DS is likely, the applicant may clarify or change features of the proposal to respond to the agency's reasons for such an indication. Applicants clarifying or changing features of a proposal shall revise the environmental checklist as may be necessary to describe the clarifications or changes. The lead agency shall make its threshold determination based upon the clarifications or changes. If a proposal continues to have a probable significant adverse environmental impact, even with mitigation measures, an EIS shall be prepared.

(3) Whether or not an applicant requests early notice under subsection (2), if the lead agency specifies mitigation measures that would allow it to issue a DNS, and the proposal is clarified, revised, or conditioned to include those measures, the lead agency shall issue a DNS.

(4) Environmental documents need not be revised and resubmitted if the clarifications or changes are stated in writing in documents that are attachments to, or incorporated by reference into, the documents previously submitted. An addendum may be used (197-11-660).

(5) The procedures of this section may be used by agencies for their own proposals in order to clarify or change features of a proposal as a result of comments by other agencies or the public or as a result of additional agency planning.

(6) An agency's preliminary indication under this section that a DS appears likely shall not be construed as a determination that a proposal has a probable significant adverse environmental impact. The purpose of this section is to allow clarifications or changes prior to making a final threshold determination.

(7) The procedures for issuing a DNS are in 197-11-350.

#### NEW SECTION

WAC 197-11-350 DETERMINATION OF NONSIGNIFICANCE (DNS). (1) The responsible official shall prepare and issue its determination of nonsignificance (DNS), if required, substantially in the form provided in 197-11-99350. If an agency adopts another agency's environmental document for a threshold determination (197-11-640), the notice of adoption (197-11-99340) and the DNS shall be combined or attached to each other.

(2) The responsible official shall send the DNS and environmental checklist to agencies with jurisdiction.

(3) (a) An agency shall not act upon a proposal for fifteen days after the date of issuance of a DNS if the proposal involves:

(i) Another agency with jurisdiction;

(ii) Demolition of any structure or facility not exempted by 197-11-99001(2)(f) or 197-11-99080;



(iii) Issuance of clearing or grading permits not exempted in Part 9 of these rules; or

(iv) A DNS under 197-11-340(2) or 197-11-360(4).

(b) Notice of a DNS under (3)(a) of this section shall be given under 197-11-510 and additional methods to inform the public may be used, such as those indicated in 197-11-520.

(c) Any person or agency may submit comments to the lead agency within fifteen days of the date of issuance of a DNS on the proposals listed in (3)(a) of this section.

(d) The responsible official shall reconsider the DNS based on timely comments. The responsible official may retain, modify, or withdraw the DNS or supporting documents if the responsible official determines that significant adverse impacts are likely.

(e) An agency with jurisdiction may assume lead agency status only within this fifteen-day period (197-11-99270).

(4) (a) The lead agency shall withdraw a DNS if:

(i) There are substantial changes to a proposal which are likely to have significant environmental impacts;

(ii) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; or

(iii) The DNS was procured by misrepresentation or lack of material disclosure; if such DNS resulted from the actions of an applicant, any subsequent environmental checklist on the proposal shall be prepared directly by the lead agency or its consultant at the expense of the applicant.

(b) Subsection (4)(a)(ii) shall not apply when a nonexempt license has been issued on a private project.

(c) If the lead agency withdraws a DNS, the agency shall make a new threshold determination and notify other agencies with jurisdiction of the withdrawal and new threshold determination. If a DS is issued, each agency with jurisdiction shall commence action to suspend, modify, or revoke any approvals until the necessary environmental review has occurred (see also 197-11-070).

#### NEW SECTION

WAC 197-11-360 DETERMINATION OF SIGNIFICANCE (DS). (1) The responsible official shall prepare and issue its determination of significance (DS), if required, substantially in the form provided in 197-11-99360, unless the agency uses a similar notice which meets the requirements of this section. References in these rules to the DS refer to the DS or such similar notice.

(2) If an agency adopts another agency's environmental document for a threshold determination (197-11-640), the notice of adoption (197-11-99340) and the DS shall be combined or attached to each other.

(3) The responsible official shall put the DS in the lead agency's file and shall commence scoping (197-11-408) by circulating copies of the DS to an applicant and agencies with jurisdiction and expertise, if any, and to the public. Notice shall be given under 197-11-510 and additional methods to inform the public may be used, such as those indicated in 197-11-520.

(4) If at any time after the issuance of a DS a proposal is changed so that, in the judgment of the lead agency, all probable significant adverse environmental impacts which might exist are eliminated, the DS shall be withdrawn and a DNS issued instead. A proposal shall not be considered changed until all license applications for the proposal are revised to reflect the changes or other binding commitments are made by lead agencies or by applicants.

#### NEW SECTION

WAC 197-11-390 EFFECT OF THRESHOLD DETERMINATION—ASSUMPTION OF LEAD AGENCY STATUS. (1) When the responsible official makes a threshold determination, it is final and binding on all agencies, subject to the provisions of this section and 197-11-660.

(2) The responsible official's threshold determination:

(a) Shall not be final until fifteen days after issuance for proposals listed in 197-11-350(3).

(b) Shall not apply if another agency with jurisdiction assumes lead agency status under 197-11-99270.

(c) Shall not apply when withdrawn by the responsible official under 197-11-350 or 197-11-360.

(d) Shall not apply when reversed on appeal.

(3) Regardless of any appeals, a DS or DNS issued by the responsible official shall be considered final for purposes of all agencies' planning and decisionmaking until subsequently changed, reversed, or withdrawn.

### PART FOUR – ENVIRONMENTAL IMPACT STATEMENT (EIS)

#### NEW SECTION

WAC 197-11-400 PURPOSE OF EIS. The primary purpose of an environmental impact statement is to ensure that SEPA's policies are part and parcel of the ongoing programs and actions of state and local government.

An EIS shall provide impartial discussion of significant environmental impacts and shall inform decisionmakers and the public of reasonable alternatives, including mitigation measures, that would avoid or minimize adverse impacts or enhance environmental quality.

Environmental impact statements shall be concise, clear, and to the point, and shall be supported by the necessary environmental analysis. The purpose of an EIS is best served by short documents containing summaries of, or reference to, technical data, and by avoiding excessively detailed and overly technical information. The volume of an EIS does not bear on its adequacy. Larger documents may even hinder the decisionmaking process.

The EIS process enables government agencies and interested citizens to review and comment on proposed government actions, including government approval of private projects and their environmental effects. This process is intended to assist the agencies and applicants to improve their plans and decisions, and to encourage the resolution of potential concerns or problems prior to issuing a final statement. An environmental impact statement is more than a disclosure document. It shall be used by agency officials in conjunction with other relevant materials and considerations to plan actions and make decisions.

#### NEW SECTION

WAC 197-11-402 IMPLEMENTATION. To achieve the purposes set forth in 197-11-400 and as further specified in this Part, agencies shall prepare environmental impact statements as follows:

(1) EISs are required to analyze only the reasonable alternatives and probable adverse environmental impacts that are significant. Beneficial environmental impacts or other impacts may be discussed.

(2) The inclusion and level of detail shall be commensurate with the importance of the impact, with less important material summarized, consolidated, or simply referenced.

(3) Discussion of insignificant impacts is not required; if included, such discussion shall be brief and limited to summarizing impacts or noting why more study is not warranted.

(4) Description of the existing environment and the nature of environmental impacts shall be limited to the affected environment and shall be no longer than is necessary to understand the environmental consequences of the alternatives, including the proposal.

(5) EISs shall be no longer than necessary to comply with SEPA and these rules. Length should relate first to potential environmental problems and then to the size or complexity of the alternatives including the proposal.

(6) The basic features and analysis of the proposal, alternatives, and impacts shall be discussed in the EIS and shall be capable of being generally understood without turning to other documents; however, an EIS is not required to include all information conceivably relevant to a proposal, and may be supplemented by appendices, reports, or other documents in the agency's record.

(7) Agencies shall reduce paperwork and the accumulation of background data in EISs and shall adopt or incorporate by reference, existing, publicly available environmental documents, wherever possible.

(8) Agencies shall prepare EISs concurrently with and coordinated with environmental studies and related surveys that may be required for the proposal under other laws, where such timing and preparation are feasible.

(9) The range of alternative courses of action discussed in EISs shall encompass those to be considered by the decisionmaker.

(10) EISs shall serve as the means of assessing the environmental impact of proposed agency action, rather than justifying decisions already made.

NEW SECTION

WAC 197-11-405 TYPES OF EISS. (1) Environmental impact statements (EISs) shall be prepared in draft and final and may be supplemented.

(2) EISs shall follow the scope, content, format, and style specified by Parts 4-6, unless expressly provided otherwise in these rules.

(3) A draft EIS (DEIS) allows the lead agency to consult with members of the public and agencies with jurisdiction and expertise. The lead agency shall issue a DEIS (197-11-455) and shall initiate and consider comments as stated in 197-11-500 through 197-11-600. A DEIS shall be prepared according to the scope decided upon by the lead agency in its scoping process.

(4) A final EIS (FEIS) shall revise the DEIS as appropriate and respond to comments as required in 197-11-560. An FEIS shall respond to opposing views on significant adverse environmental impacts and reasonable alternatives which the lead agency determines were not adequately discussed in the DEIS. The lead agency shall issue an FEIS as specified by 197-11-460.

(5) A supplemental EIS (SEIS) shall be prepared as an addition to either a draft or final statement if an agency decides that:

(a) There are substantial changes to a proposal which are likely to have significant adverse environmental impacts; or

(b) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts.

(6) Preparation of an SEIS or addendum shall be carried out as stated in 197-11-660.

(7) Agencies may use federal EISs, as stated in 197-11-640 through 197-11-660.

NEW SECTION

WAC 197-11-406 EIS TIMING. The lead agency shall commence preparation of the environmental impact statement as close as possible to the time the agency is developing or is presented with a proposal, so that preparation can be completed in time for the final statement to be included in appropriate recommendations or reports on the proposal. (197-11-055.) The statement shall be prepared early enough so that it can serve practically as an important contribution to the decisionmaking process and will not be used to rationalize or justify decisions already made. EISs may be "phased" in appropriate situations (197-11-060(7) and 197-11-740).

NEW SECTION

WAC 197-11-408 SCOPING. (1) The lead agency shall narrow the scope of every EIS to the significant issue or issues. If there are only two or three significant issues or alternatives, for example, the EIS shall be focused on those.

(2) To ensure that every EIS is concise and addresses the significant environmental issues, the lead agency shall:

(a) Invite agency and public comment on the DS, or, if there is no DS, equivalent notification (197-11-360).

(b) Identify reasonable alternatives and probable significant adverse environmental impacts.

(c) Eliminate from detailed study those issues which are not significant.

(d) Work with other agencies to identify and integrate environmental studies required for other government approvals with the EIS, where feasible.

(3) Agencies and the public should comment promptly and as specifically as possible, to the extent permitted by the details available on the proposal.

(4) Meetings or scoping documents, including notices that the scope has been revised, may be used but are not required. The lead agency shall integrate the scoping process with its existing planning and decisionmaking process in order to avoid duplication and delay.

(5) The lead agency shall revise the scope of an EIS if substantial changes are made later in the proposal, or if significant new circumstances or information arise which bear on the proposal and its significant impacts.

NEW SECTION

WAC 197-11-410 EXPANDED SCOPING. (OPTIONAL) (1) At its option, the lead agency may expand the scoping process to include any or all of the following, which may be applied on a proposal-by-proposal basis:

(a) Using scoping questionnaires or information packets.

(b) Using scoping meetings or workshops, which may be combined with any other early planning meetings of the agency.

(c) Using a scoping coordinator or team from inside or outside the agency.

(d) Developing cooperative consultation and exchange of information among agencies before the EIS is prepared, rather than awaiting submission of comments on a completed document.

(e) Coordinating and integrating other government reviews and approvals with the EIS process through memoranda or other methods.

(f) Inviting participation of agencies with jurisdiction or expertise from various levels of government, such as regional or federal agencies.

(g) Using other methods of predraft consultation as the lead agency may find helpful.

(2) Use of expanded scoping is intended to promote interagency cooperation, public participation, and innovative ways to streamline the SEPA process. Steps shall be taken, as the lead agency determines appropriate, to encourage and assist public participation. There are no specified procedural requirements for the methods, techniques, or documents which may be used in an expanded scoping process, in order to provide maximum flexibility to meet these purposes.

(3) The lead agency shall consult with an applicant prior to deciding the method and schedule for an expanded scoping process.

(4) As part of an expanded scoping process, an applicant may request, and the lead agency shall set, a date by which the lead agency shall determine the scope of the EIS, including the need for any field investigations (to the extent permitted by the details available on the proposal). The date shall normally occur less than thirty days after the DS is issued, unless the lead agency and applicant agree upon a later date.

NEW SECTION

WAC 197-11-420 EIS PREPARATION. (1) Preparation of the EIS is the responsibility of the lead agency, by or under the direction of its responsible official, as specified by the lead agency's procedures. No matter who participates in the preparation of the EIS, it is the EIS of the responsible official of the lead agency. The responsible official, prior to distributing an EIS, shall be satisfied that it complies with these rules and the procedures of the lead agency.

(2) An EIS may be prepared by an applicant or its agent, or by an outside consultant retained by either an applicant or the lead agency. The responsible official within the lead agency shall assure that the EIS is prepared in a professional manner and with appropriate interdisciplinary methodology. The responsible official shall direct the areas of research and examination to be undertaken as a result of the scoping process, as well as the organization of the resulting document.

(3) If a person other than the lead agency is preparing the EIS, the responsible official will coordinate any scoping procedures so that the individual preparing the EIS immediately receives all substantive information submitted by any agency or person. The responsible official shall also assist in obtaining any information needed by the person preparing the EIS which is on file with another agency or federal agency. The responsible official shall allow any party preparing an EIS access to all public records of the lead agency which relate to the subject of the EIS, under chapter 42.17 RCW (Public Disclosure and Public Records Law).

(4) Every agency shall specifically provide in its own procedures those situations in which an applicant may be required or authorized to help prepare an EIS. Agency procedures may not require more information of an applicant than allowed by 197-11-100, but may authorize less participation. An applicant may volunteer to provide any information or effort desired, as long as the EIS is supervised and approved by the responsible official. These rules do not prevent an agency from charging any fee of an applicant which the agency is otherwise allowed to charge (197-11-99150).

(5) The provisions of this section apply to draft, final, and supplemental EISs.

NEW SECTION

WAC 197-11-425 STYLE AND SIZE. (1) Environmental impact statements shall be readable reports, which allow the reader to understand the most significant and vital information concerning the proposed action, alternatives, and impacts, without turning to other documents, as provided below and in 197-11-402.

(2) Environmental impact statements shall be concise and written in plain language. EISs shall not be excessively detailed or overly technical. EISs shall include a glossary to explain plainly the meaning of

technical terms not generally understood by the general public. EISs may include an index for ease in using the statement.

(3) The text of an environmental impact statement should normally range from thirty to fifty pages and may be shorter. The text of an EIS consists of the two main sections (see 197-11-430(2) (d) and (e), 197-11-440 (5) and (6)). Most of the text of an environmental impact statement shall discuss and compare the environmental impacts and their significance, rather than describe the proposal and the environmental setting. The description of the proposal, including alternatives, and the description of the existing environment, including the summary of existing plans and policies, should not exceed roughly one-third of the EIS text. More detailed descriptions may be included in appendices or supporting documents.

(4) In all cases, the EIS text shall not exceed seventy-five pages in length, except for proposals of unusual scope or complexity, in which case the EIS text shall not exceed one hundred fifty pages.

(5) If the lead agency decides that descriptive material or supporting documentation may be helpful for readers, this background information shall be clipped or bound separately from the EIS (unless it is less than ten pages). This information may be placed in appendices or separate documents, and shall be readily available to agencies and the public during the comment period and at approximately the same time as the EIS.

(6) Agencies shall incorporate material into an environmental impact statement by reference in order to cut down on bulk, if an agency can do so without impeding agency and public review of the action. The incorporated material shall be cited in the EIS and its relevant content briefly described. Material may not be incorporated by reference unless its location is identified (197-11-440(2)(1)), and it is reasonably available to inspection by potentially interested persons within the time allowed for comments.

#### NEW SECTION

WAC 197-11-430 **FORMAT.** (1) A letter from the lead agency may precede and be included in the EIS. Every EIS shall be preceded by a cover memo (197-11-435). The cover memo shall not be considered part of the EIS for adequacy purposes (197-11-435(1)). A fact sheet (197-11-440(2)) shall be the first section of every EIS, and shall follow the cover memo.

(2) The following standard format should be used unless the lead agency determines that a different format would improve clear presentation of alternatives and environmental analysis for a particular proposal (except that the fact sheet shall always be the first section of an EIS):

- (a) Fact sheet.
- (b) Table of contents (including the list of elements of the environment).
- (c) Summary.
- (d) Alternatives including the proposed action.\*
- (e) Affected environment, significant impacts, and mitigation measures (other than those included in the proposed action).\*
- (f) Distribution list.
- (g) Appendices, if any (including, for FEIS, comment letters and any separate responses).

\* The page limits in 197-11-425 apply only to this material.

(3) This simplified standard format puts the EIS text into two sections: (d) and (e) above. Agencies have wide latitude to organize and present material as they see fit within these two basic sections. Agencies are not required to discuss each subject in 197-11-440 and RCW 43.21C.030(2)(c) in a separate section. (See also RCW 43.21C.031, 197-11-440(6)(e), 197-11-444(3).)

(4) Additional format considerations.

(a) The contents of the EIS are specified in 197-11-440 and shall be included, where relevant to the alternatives and impacts, regardless of the format of a particular statement.

(b) The format of an FEIS may be different, as specified by 197-11-560.

(c) Additional flexibility is provided in 197-11-442 and 197-11-443 for environmental impact statements related to nonproject proposals.

(d) The elements of the environment for purposes of analyzing environmental impacts are stated in 197-11-444.

(e) Additional guidance on the distinction between environmental and other considerations is given in 197-11-448 and 197-11-450.

(f) EISs may be combined with other documents (197-11-670).

#### NEW SECTION

WAC 197-11-435 **COVER MEMO.** (1) Every EIS shall be preceded by a cover memo. The cover memo shall not exceed two pages. The cover memo shall not be considered part of the EIS for adequacy purposes.

(2) The cover memo provides a way for the responsible official or agency staff to highlight environmental factors which, in their judgment, are especially noteworthy at the time the document is issued. It shall be a selective, comparative overview highlighting the options and environmental issues facing the lead agency's decisionmakers. It should be written in the style of a concise "decision/options" briefing memorandum. It is intended to focus on key environmental tradeoffs among alternatives, and may include environmentally beneficial as well as adverse impacts. It may mention other relevant considerations for decisionmakers.

#### NEW SECTION

WAC 197-11-440 **EIS CONTENTS.** (1) An EIS shall contain the following contents, in the style and format prescribed in the preceding sections. The EIS contents shall conform to the rules stated in 197-11-402.

(2) Fact sheet. The fact sheet shall include the following information in this order:

(a) A title and brief description (a few sentences) of the nature and location (by street address if applicable) of the proposal, including principal alternatives.

(b) The name of the person or entity making the proposal(s) and the proposed or tentative date for implementation.

(c) The responsible official's preferred alternative if any.

(d) The name and address of the lead agency, responsible official, and contact person for questions, comments, and information.

(e) A list of all licenses which the proposal is known to require. The licenses shall be listed by name and agency; the list shall be as complete and specific as possible.

(f) Authors and principal contributors to the EIS and the nature or subject area of their contributions.

(g) The date of issue of the EIS.

(h) The date comments are due (for DEISs).

(i) The time and place of public hearings or meetings, if any and if known.

(j) The date final agency action is planned or scheduled, if known. Agencies may indicate that the date is subject to change. The nature or type of final agency action should be stated unless covered in subsection (a) above.

(k) The type and timing of any subsequent environmental review to which the lead agency or other agencies have made commitments.

(l) The location of EIS technical reports, background data, adopted documents, and materials incorporated by reference for this EIS, if any.

(m) The cost to the public for a copy of the EIS.

(3) Table of contents (including the list of elements of the environment).

(a) In addition to the EIS itself, the table of contents should list if possible any documents which are appended, adopted, or serve as technical reports for this EIS (but need not list each comment letter).

(b) The table of contents shall include the list of elements of the environment (197-11-444). The list shall indicate those elements or portions of elements which do not involve significant impacts.

(4) Summary. Each EIS shall contain a section which summarizes the statement. The summary should not merely be an expanded table of contents. The summary shall briefly state the proposal's objectives, specifying the purpose and need to which the proposal is responding. The summary shall stress the major conclusions, significant areas of controversy and uncertainty, if any (including issues raised by the public), and the issues to be resolved, including the environmental choices to be made among alternative courses of action and the effectiveness of mitigation measures. The summary need not mention every subject discussed in the EIS. The summary should state when the EIS is part of a phased review or the lead agency is relying on prior or future environmental review (which should be generally identified). The lead agency should make the summary sufficiently broad to be useful to the other agencies with jurisdiction. Although an EIS might not be an agency's only decision document, the summary may generally indicate if known those considerations, including factors not related to environmental quality, which are likely to be relevant and important to a decision and weighed along with environmental factors. The summary

is normally five to fifteen pages, but may be shorter or longer depending on the EIS.

(5) Alternatives including the proposed action.

(a) This section should describe and present the environmental impacts of the proposal and alternative courses of action in comparative form, focusing on the relative importance of the likely environmental consequences and helping to provide a basis for choice among options by decision makers and the public.

(b) Reasonable alternatives shall include any action which could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation. Reasonable alternatives are those which are capable of being effected by the lead agency or another agency with jurisdiction. The word "reasonable" is intended to limit the number and range of alternatives, as well as the amount of detailed analysis for each alternative.

(c) This section shall:

(i) Describe the objective(s), proponent(s), and principal features of reasonable alternatives including the proposed action, except that the description of mitigation measures is normally included in the next section (see subsection (6)).

(ii) Describe the location of the alternatives including the proposed action, so that a lay person can understand it. Include a map, street address if any, and legal description (unless long or in metes and bounds).

(iii) Identify any phases of the proposal, their timing, and previous or future environmental analysis on this or related proposals.

(iv) Tailor the level of detail of description to the significance of environmental impacts. Any detailed engineering drawings and technical data which have been submitted should be retained in agency files and be available on request.

(v) Objectively compare the environmental impacts of the reasonable alternatives, and include the no action alternative. Although graphics may be helpful, a matrix or chart is not required. A range of alternatives or a few representative alternatives, rather than every possible reasonable variation, may be discussed.

(vi) Devote sufficiently detailed analysis to each reasonable alternative to permit a comparative evaluation of the alternatives including the proposed action. The amount of space devoted to each alternative may vary. One alternative including the proposed action may be used as a benchmark for comparing impacts among alternatives. The EIS may briefly indicate the main reasons for eliminating alternatives from detailed study.

(vii) Discuss the benefits and disadvantages of reserving for some future time the implementation of the proposal, as compared with possible approval at this time. The agency perspective should be that each generation is, in effect, a trustee of the environment for succeeding generations. Particular attention should be given to the possibility of foreclosing future options by implementing the proposal.

(viii) Identify the preferred alternative(s) of the responsible official or agency, if one or more exist.

(d) When a proposal is for a private project on a specific site, the lead agency shall not be required to evaluate alternatives other than the no action alternative plus other reasonable alternatives for achieving the proposal's objective on the same site. The limitations in this subsection shall not apply when the proposal includes a rezone, unless the rezone is for a use allowed in an existing comprehensive plan which was adopted after review under SEPA.

(6) Affected environment, significant impacts, and other mitigation measures.

(a) This section shall describe the affected environment, analyze significant impacts of alternatives including the proposal action, and discuss reasonable mitigation measures that would significantly mitigate these impacts. Elements of the environment that are not significantly affected need not be discussed. Separate sections are not required for each subject (see 197-11-430(3)).

(b) This section shall:

(i) Succinctly describe the principal features of the environment that would be affected or created by the alternatives including the proposal under consideration. Inventories of species should be avoided.

(ii) Be written in a way that is as nontechnical and easily understandable to lay persons as possible, with the discussion commensurate with the importance of the impacts. Only significant impacts are required to be discussed; other impacts may be discussed.

(iii) Give special attention to significant impacts that will narrow the range or degree of beneficial uses of the environment or pose long term risks to human health or the environment, such as disposal of toxic or hazardous material.

(iv) Clearly indicate those mitigation measures (not described in the previous section as part of the proposal or alternatives), if any, that an agency or applicant will implement or that the lead agency proposes to require as a condition of a license, if known.

(v) Indicate the intended environmental benefits of mitigation measures for significant impacts, and their technical feasibility and economic practicability. The EIS need not analyze mitigation measures in detail unless they involve substantial changes with significant adverse impacts, or new information regarding significant impacts, and those measures will not be subsequently analyzed under SEPA (see 197-11-720(2)). An EIS may briefly mention nonsignificant impacts or mitigation measures to satisfy other environmental review laws or requirements in the same document (197-11-402(8) and 197-11-670).

(vi) Summarize significant adverse impacts that cannot or will not be mitigated.

(c) This section shall incorporate discussions of:

(i) A summary of existing land use and shoreline plans and zoning regulations applicable to the proposal, and how the proposal is consistent and inconsistent with them.

(ii) Energy requirements and conservation potential of various alternatives and mitigation measures, including more efficient use of energy, such as insulating, as well as the use of alternate and renewable energy resources.

(iii) Natural or depletable resource requirements and conservation potential of various alternatives and mitigation measures.

(iv) Urban quality, historic and cultural resources, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

(d) Significant impacts on both the natural environment and the built environment must be analyzed, if relevant (197-11-444). This includes impacts upon and the quality of the physical surroundings, whether they are in wild, rural, or urban areas. Discussion of significant impacts shall include the cost of public services, such as utilities, roads, fire, and police protection, that may result from a proposal. EISs shall also discuss significant environmental impacts upon land and shoreline use, which includes housing, physical blight, and significant impacts of projected population on environmental resources, as specified by RCW 43.21C.110 (1) (d) and (f), as listed in 197-11-444.

(e) Although the lead agency should discuss the affected environment, environmental consequences, and other mitigation measures together for each element of the environment where there is a significant impact, the responsible official shall have the flexibility to organize this section in any manner useful to decision makers and the public (see 197-11-430(3)).

(f) This subsection is not intended to duplicate the analysis in subsection (5) and shall avoid doing so to the fullest extent possible. Although some information on impacts may be repeated, subsection (6) is intended to present the significant impacts, while subsection (5) is intended to compare the salient differences among the significant environmental impacts of the reasonable alternatives.

(7) Appendices. Any comment letters and responses to be attached to an FEIS under 197-11-560 shall be attached and bound separately from the FEIS, unless the appended material is less than ten pages (197-11-425(5)). Comment letters and responses shall be circulated with the FEIS as specified by 197-11-560. Technical reports and supporting documents need not be circulated with an EIS (197-11-425(5) and 197-11-440(2)(1)).

(8) (Optional). The lead agency may at its option include in an EIS, or appendix, the analysis of any impact relevant to the agency's decision, whether or not environmental. The inclusion of such analysis may be based upon comments received during the scoping process. The provision for combining documents may be used (197-11-670). The EIS shall comply with the page limits and format requirements of this Part. The decision whether to include such information and the adequacy of any such additional analysis should not be used in determining whether an EIS meets the requirements of SEPA.

#### NEW SECTION

WAC 197-11-442 CONTENTS OF EIS ON NONPROJECT PROPOSALS. (1) The lead agency shall have more flexibility in preparing EISs on nonproject proposals because there is normally less detailed information available on their environmental impacts and on any subsequent project proposals, and the EIS may be combined with other planning documents.

(2) The lead agency shall discuss impacts and alternatives in the level of detail appropriate to the scope of the nonproject proposal and its timing in the agency decisionmaking process. Alternatives should be

emphasized. In particular, agencies are encouraged to describe the proposal in terms of alternative means of accomplishing a stated objective (see 197-11-060(4)). Alternatives including the proposed action should be analyzed at a roughly comparable level of detail, sufficient to evaluate their comparative merits (this does not require devoting the same number of pages in an EIS to each alternative).

(3) If the nonproject proposal concerns a specific geographic area, site specific analyses are not required, but may be included for areas of specific concern identified by the lead agency. Subsequent actions by other agencies which may result from the nonproject proposal, such as transportation and utility systems, should be identified.

(4) The lead agency's consideration of alternatives for a comprehensive or community plan or for other areawide zoning, shoreline, or land use plans or requirements shall be limited to a general discussion of the impacts of alternate proposals for policies contained in such plans, for land use or shoreline designations, and for implementation measures. The lead agency is not required under SEPA to examine all conceivable policies, designations, or implementation measures. The EIS content may be limited to a discussion of alternatives which have been formally proposed or which are, while not formally proposed, reasonably related to the proposed action.

#### NEW SECTION

WAC 197-11-443 EIS CONTENTS WHEN PRIOR NON-PROJECT EIS. (1) The provisions for phased review (197-11-060(7)) and supplemental review (197-11-660) apply to EISs on nonproject proposals. This section provides additional guidance and examples especially common to local land use decisions.

(2) A nonproject proposal may be approved based on an EIS assessing its broad impacts. A project may then be proposed which is consistent with the approved nonproject action. An EIS on such a project need not readdress those impacts analyzed in the previous nonproject EIS. These will often include elements of the built environment (197-11-444(2)). The subsequent project EIS need only briefly summarize the issues discussed in the broader statement and incorporate the discussion by reference. The subsequent project EIS shall focus on the impacts and alternatives specific to the subsequent project and shall limit the scope accordingly.

(3) When preparing a project EIS under the preceding subsection, the lead agency shall review the nonproject EIS to ensure that the analysis is still valid. If analysis relevant to the project EIS is inadequate as a result of changed circumstances, the analysis shall be reanalyzed in the project EIS.

#### NEW SECTION

WAC 197-11-444 ELEMENTS OF THE ENVIRONMENT.

##### (1) Natural environment

- (a) Earth
  - (i) Geology
  - (ii) Soils
  - (iii) Topography
  - (iv) Unique physical features
  - (v) Erosion/enlargement of land area
- (b) Air
  - (i) Air quality
  - (ii) Odor
  - (iii) Climate
- (c) Water
  - (i) Surface water movement/quantity/quality
  - (ii) Runoff/absorption
  - (iii) Floods
  - (iv) Ground water movement/quantity/quality
  - (v) Public water supplies
- (d) Wildlife (plants and animals)
  - (i) Habitat and numbers or diversity of species of plants, fish, or other wildlife
  - (ii) Unique species
  - (iii) Agricultural crops
  - (iv) Fish or wildlife migration routes
  - (e) Energy and natural resources
    - (i) Amount required/rate of use
    - (ii) Source/availability
    - (iii) Nonrenewable resources
    - (iv) Conservation and renewable resources
- (2) Built environment
  - (a) Environmental health

- (i) Risk of explosion
- (ii) Toxic emissions and hazardous waste disposal
- (b) Land and shoreline use
  - (i) Description of relationship to plans and designations, and projected population
  - (ii) Housing
  - (iii) Noise
  - (iv) Aesthetics/light and glare
  - (v) Recreation
  - (vi) Historic and cultural preservation
- (c) Transportation
  - (i) Transportation systems
  - (ii) Vehicular traffic
  - (iii) Waterborne, rail, and air traffic
  - (iv) Parking
  - (v) Movement/circulation of people or goods
  - (vi) Traffic hazards
- (d) Public services and utilities
  - (i) Fire
  - (ii) Police
  - (iii) Schools
  - (iv) Parks or other recreational facilities
  - (v) Maintenance
  - (vi) Communications
  - (vii) Water/storm water
  - (viii) Sewer/solid waste
  - (ix) Other governmental services or utilities

(3) In order to simplify the EIS format, reduce paperwork and duplication, improve readability, and focus on the significant issues, some or all of the elements of the environment in 197-11-444(1) may be combined and discussed as the natural environment, and the elements in (2) may be treated as the built environment.

#### NEW SECTION

WAC 197-11-448 RELATIONSHIP OF EIS TO OTHER CONSIDERATIONS. (1) Although SEPA contemplates that the general welfare, social, economic, and other requirements, and essential considerations of state policy will be taken into account in weighing and balancing alternatives and in making final decisions, the environmental impact statement is not required to evaluate and document all of the possible effects and considerations of a decision or to contain the balancing judgments which must ultimately be made by the decisionmakers. Rather, an environmental impact statement analyzes environmental consequences and must be used by agency decisionmakers, along with other relevant considerations or documents, in making final decisions. The EIS provides a basis upon which the responsible agency and officials can make the balancing judgment mandated by SEPA because it provides information on the environmental costs and impacts. SEPA does not require an EIS to be an agency's only decisionmaking document.

(2) The term "socioeconomic" is not used in the statute or in these rules because the term does not have a uniform meaning and has caused a great deal of uncertainty. Areas of urban "environmental" concern which must be considered are specified in RCW 43.21C.110(1)(f), the environmental checklist (197-11-99325) and 197-11-440 and 197-11-444.

(3) The method of financing proposals, economic competition, profits and personal income and wages, and social policy analysis (such as fiscal and welfare policies and nonconstruction aspects of education and communications), are examples of information not required to be analyzed in environmental impact statements.

(4) Agencies have the option to combine EISs with other documents or to include additional analysis in EISs which will assist in making decisions (197-11-440(8) and 197-11-670). Agencies may use the scoping process to help identify issues of concern to citizens.

#### NEW SECTION

WAC 197-11-450 COST-BENEFIT ANALYSIS. A cost-benefit analysis (197-11-842) is not required by SEPA. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered by an agency for the proposal, it shall be incorporated by reference or appended to the statement as an aid in evaluating the environmental consequences. To comply with RCW 43.21C.030(2)(b), when a cost-benefit analysis is being considered by the agency, the EIS shall discuss the relationship between that analysis and unquantified environmental impacts, values, and amenities. For

purposes of complying with SEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations.

#### NEW SECTION

WAC 197-11-455 **ISSUANCE OF DEIS.** (1) A draft EIS shall be issued by the responsible official and sent to the persons and agencies specified in 197-11-530.

(2) The date of issue is the date the DEIS is publicly available and sent to the department of ecology and other agencies with jurisdiction.

(3) Notice of a DEIS shall be given under 197-11-510. Additional methods may be used to inform the public, such as those indicated in 197-11-520.

(4) Any person or agency shall have thirty days from the date of issue in which to review and comment upon the DEIS.

(5) If the lead agency receives a request before the comment period has ended for an extension of time to comment, the lead agency:

(a) May grant a fifteen-day extension to an agency with jurisdiction or expertise.

(b) Shall consider and may grant requests for extensions up to fifteen days by other agencies and members of the public. The lead agency shall give due consideration to any request from a public interest organization, consistent with the obligation to encourage public participation.

(5) The rules for notice, costs, commenting, and response to comments on EISs are stated in Part 5 of these rules.

#### NEW SECTION

WAC 197-11-460 **ISSUANCE OF FEIS.** (1) A final EIS shall be issued by the responsible official and sent to the department of ecology, to all persons or agencies on the DEIS distribution list who commented on the DEIS, and to anyone requesting a copy of the FEIS.

(2) In addition to subsection (1), the responsible official shall send the FEIS, or a notice that the FEIS is available, to anyone who commented on the DEIS and to those who received but did not comment on the DEIS.

(3) The date of issue is the date the FEIS, or notice of availability, is sent to the persons and agencies as specified in the preceding subsections, and the FEIS is publicly available. Sending an EIS to the department of ecology shall satisfy the statutory requirement of availability to the governor and to the ecological commission.

(4) No agency shall act on a proposal for which an EIS has been required prior to seven days from issuing the FEIS.

### PART FIVE - COMMENTING

#### NEW SECTION

WAC 197-11-500 **PURPOSE OF THIS PART.** The purpose of this Part is to provide rules for:

(1) Notice and public availability of environmental documents, especially environmental impact statements;

(2) Consultation and comment by agencies and members of the public on environmental documents;

(3) Public hearings and meetings; and

(4) Lead agency response to comments and preparation of final environmental impact statements. Review, comment, and responsiveness to comments on a draft EIS are the focal point of the act's commenting process because the DEIS is developed as a result of scoping and serves as the basis for the final statement.

#### NEW SECTION

WAC 197-11-502 **INVITING COMMENT.** (1) Agency efforts to involve other agencies and the public in the SEPA process should be commensurate with the type and scope of environmental document.

(2) Consulted agency. An agency with jurisdiction or expertise that is requested by the lead agency during the environmental review process to consult or comment is a consulted agency (197-11-840). Consulted agencies have a particular responsibility to respond in a timely and specific manner (197-11-545 and 197-11-550).

(3) Threshold determinations.

(a) Agencies shall send DNSs to other agencies with jurisdiction, as required by 197-11-350(2).

(b) Agencies shall provide public notice under 197-11-510 and receive comments for fifteen days on DNSs issued under 197-11-350(3).

(4) Scoping.

(a) Agencies shall circulate the DS and invite comments on the scope of an EIS, as required by 197-11-360, 197-11-408, and 197-11-510.

(b) Agencies may use other reasonable methods to inform agencies and the public, such as those indicated in 197-11-410 and 197-11-520.

(c) The lead agency determines the method and time period for commenting (197-11-408 and 197-11-410).

(5) DEIS.

(a) Agencies shall invite comments on and circulate DEISs as required by 197-11-510 and 197-11-530.

(b) The commenting period shall be thirty days unless extended by the lead agency (197-11-455).

(c) Agencies shall comment and respond as stated in this part. This meets the act's formal consultation and comment requirement in RCW 43.21C.030(2)(d).

(6) Public hearings.

(a) Public hearings or meetings may be held (197-11-535). Notice of such public hearings shall be given under 197-11-510 and may be combined with other agency notice.

(b) In conjunction with the requirements of 197-11-510, notice of public hearings on nonproject proposals shall be published no later than five days before the hearing, in a newspaper of general circulation in the general area where the lead agency has its principle offices. In addition to 197-11-510, for nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia bureaus of the associated press and united press international.

(7) FEIS. Agencies shall circulate FEISs as required by 197-11-460.

(8) Supplements.

(a) Notice and circulation of draft and final SEISs shall be in the same manner as other draft and final EISs.

(b) Agencies shall give notice under 197-11-510 and receive comments for fifteen days on a DNS issued after a DS has been withdrawn (197-11-350(3)).

(c) An addendum need not be circulated unless required under 197-11-660(6).

(9) Appeals. Notice provisions for appeals are in 197-11-750.

(10) Agencies may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

(11) In addition to any required notice or circulation, agencies may use any other reasonable methods, such as those indicated in 197-11-520, to inform agencies and the public that environmental documents are available or that hearings will occur.

(12) Agencies may combine SEPA notices with other agency notices. The SEPA aspect should be identifiable in a combined notice.

#### NEW SECTION

WAC 197-11-504 **AVAILABILITY AND COST OF ENVIRONMENTAL DOCUMENTS.** (1) SEPA documents required by these rules shall be retained by the lead agency and made available in accordance with chapter 42.17 RCW.

(2) The lead agency shall provide a copy of any environmental document, in accordance with chapter 42.17 RCW, charging only those costs allowed plus mailing costs. However, no charge shall be levied for circulation of documents to other agencies as required by these rules. Agencies are encouraged, if requested, to waive the charge for an environmental document (not including the SEPA REGISTER) provided to a state-wide public interest organization. If an agency requires an applicant to pay for printing environmental documents circulated under SEPA, the applicant shall be entitled to be reimbursed for applicant's printing costs for documents furnished by the agency beyond the initial distribution list and beyond those agencies or special organizations for which charges are reduced or waived under this subsection.

#### NEW SECTION

WAC 197-11-508 **SEPA REGISTER.** (1) A "SEPA REGISTER" shall be published and mailed each week which shall give notice of all environmental documents required to be sent to the department of ecology under these rules, including:

(a) DNSs under 197-11-350(3);

(b) DSs (scoping notices) under 197-11-408;



- (c) EISs under 197-11-455, 197-11-460, and 197-11-660;
  - (d) Notices of public hearings held under 197-11-535; and
  - (e) Notices of Action under RCW 43.21C.080 and 43.21C.087.
- (2) In conjunction with the other requirements of 197-11-510, publication in the SEPA REGISTER shall constitute adequate notice under SEPA.

(3) All agencies shall:

(a) Submit the environmental documents listed in subsection (1) to the department promptly and in accordance with procedures established by the department; and

(b) Subscribe to the SEPA REGISTER and maintain a copy for public inspection (for the current and, if available, for the prior year).

(4) The department:

(a) Need not publish the notices verbatim but may establish a reasonable format for publishing the required notices in the SEPA REGISTER;

(b) May charge a reasonable fee as allowed by law, in at least the amount allowed by chapter 42.17 RCW, for the SEPA REGISTER from agencies and members of the public and interested organizations.

(5) Members of the public, citizen and community groups, education institutions are encouraged to subscribe and refer to the SEPA REGISTER for notice of SEPA actions which may affect them.

#### NEW SECTION

**WAC 197-11-510 REQUIRED FORM OF NOTICE.** When these rules require notice under this section, agencies shall give notice by:

(1) Sending a notice to the department of ecology, which shall publish notice in the SEPA REGISTER;

(2) Publishing notice in a newspaper of general circulation in the geographic area where the proposal is located (state-wide proposals do not require newspaper publication except under 197-11-502(6)(b)); and

(3) Posting on the site, if the proposal is located on a specific property.

#### NEW SECTION

**WAC 197-11-520 ADDITIONAL NOTICE. (OPTIONAL)** The lead agency is encouraged, but not required, to use any reasonable method to inform the public that an environmental document is available and of the time and place of a public hearing if any. Examples of such methods are: Publishing a notice in agency newsletters or sending to agency mailing lists for specific proposals or subject areas; publishing notice in a newspaper of general circulation in the county, city, or general geographic area where the proposal is located (if not otherwise required); notifying public or private groups that are known to be interested in a certain proposal or in the type of proposal being considered; contacting news media personnel and encouraging news coverage; and, placing notices in appropriate regional, neighborhood, ethnic, or trade periodicals.

#### NEW SECTION

**WAC 197-11-530 CIRCULATION OF DEISS.** (1) DEISs shall be sent to all of the following:

(a) The department of ecology.

(b) Each federal agency with jurisdiction over the proposal.

(c) Each state agency with jurisdiction or environmental expertise on the proposal.

(d) Each city/county in which adverse environmental impacts identified in the EIS may occur if the proposal is implemented.

(e) Each local agency or political subdivision whose public services will be changed as a result of implementation of the proposal.

(f) The applicable local, area-wide, or regional agency, if any, that has been designated under federal law to conduct intergovernmental review and coordinate federal activities with state or local planning.

(g) Any person requesting a copy from the lead agency.

(2) The lead agency is encouraged to send a copy to any person, organization or governmental agency that has expressed an interest in the proposal, is known by the lead agency to have an interest in the type of proposal being considered, or receives governmental documents (for example, local and regional libraries).

#### NEW SECTION

**WAC 197-11-535 PUBLIC HEARINGS AND MEETINGS.**

(1) If a public hearing on the proposal is held under some other requirement of law, such hearing shall be open to consideration of the environmental impact of the proposal, together with any environmental document which is available.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The lead agency determines, in its sole discretion, that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and these rules; or

(b) When fifty or more persons residing within the jurisdiction of the lead agency, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within thirty days of issuance of the draft EIS; or

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within thirty days of the issuance of the draft EIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no earlier than fifteen days from the date an EIS is issued, nor later than forty-five days from issuance. Notice shall be given under 197-11-502(6) and 197-11-510 and may be combined with other agency notice.

(4) If a public hearing is required under this chapter, it shall be open to discussion of all environmental documents and any written comments that have been received by the lead agency prior to the hearing. A copy of the draft EIS shall be at the public hearing.

(5) Comments at public hearings should be encouraged to be as specific as possible (see 197-11-550).

(6) Agencies and their designees may have informal public meetings or workshops, and such gatherings may be more flexible than public hearings and are not subject to the above notice and similar requirements for public hearings.

#### NEW SECTION

**WAC 197-11-545 EFFECT OF NO COMMENT.** (1) Consulted agencies. If a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, including commenting within thirty days of the date of the DEIS or within any extension granted by the lead agency, the lead agency may properly assume that the consulted agency has no information relating to the potential impact of the proposal upon the subject area of the consulted agency's jurisdiction or special expertise. Any consulted agency that fails to submit substantive information to the lead agency in response to a draft EIS is thereafter barred from alleging any defects in the lead agency's compliance with Part 4 of these rules.

(2) Other agencies and the public. Because each person has a responsibility to contribute to the preservation of the environment, it is the intention of these rules that lack of comment by other agencies or members of the public on environmental documents, within the time periods specified by these rules, be construed as lack of objection to the environmental analysis. This assumes that other agencies and members of the public have had reasonable notice to comment on the documents, proposals, and impacts in question.

#### NEW SECTION

**WAC 197-11-550 SPECIFICITY OF COMMENTS.** (1) Comments on an EIS or proposal shall be as specific as possible and may address either the adequacy of the environmental document or the merits of the alternatives discussed or both.

(2) Commenters shall briefly describe the nature of any documents referenced in their comments and indicate the material's relevance.

(3) Methodology. When an agency criticizes a lead agency's predictive methodology, the commenting agency should describe the alternative methodology which it prefers and why.

(4) Additional information. A consulted agency shall specify in its comments whether it needs additional information to fulfill other applicable environmental reviews or consultation requirements and what information it needs, to the extent permitted by the details available on the proposal. In particular, it shall specify any additional information it needs to comment adequately on the DEIS's analysis of significant site specific impacts associated with that consulted agency's action on the proposal or its area of expertise.

(5) Mitigation measures. When an agency with jurisdiction objects to, or expresses concerns about, a proposal on grounds of environmental impacts, the agency expressing the concerns shall specify the mitigation measures it considers necessary to allow an agency to grant or approve applicable licenses, to the extent permitted by the details available on the proposal.

(6) Comments by other agencies. Agencies which are not consulted agencies shall specify any additional information or mitigation measures the commenting agency believes are necessary or desirable to satisfy its concerns.

(7) Citizen comments. It is expected that citizen comments may be more general or personal than agency comments. Recognizing their generally more limited resources, members of the public shall make their comments as specific as possible and are encouraged to comment on methodology, additional information, and mitigation measures in the manner indicated in this section.

(8) An agency shall consider and may respond to comments as the agency deems appropriate, except that the requirements for responding in an FEIS are specified in the next section.

#### NEW SECTION

WAC 197-11-560 FEIS RESPONSE TO COMMENTS. (1) An agency preparing a final environmental impact statement shall consider comments on the proposal and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

- (a) Modify alternatives including the proposed action.
- (b) Develop and evaluate alternatives not previously given serious consideration by the agency.
- (c) Supplement, improve, or modify the analysis.
- (d) Make factual corrections.
- (e) Explain why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency's response and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.

(2) All substantive comments received on the draft statement (or summaries where the comments are repetitive or voluminous) should be appended to the final statement whether or not the comment is thought to merit individual discussion by the agency in the text of the statement. If a summary of the comments is used, the name of each commenter shall be appended (except for petitions).

(3) In carrying out subsection (1), the lead agency may respond to each comment individually, respond to a group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments.

(4) If the lead agency does not receive any comments critical of the scope or content of the DEIS, the lead agency may so state in an addendum, which shall consist of an updated fact sheet (197-11-440(2)). The addendum shall be circulated under 197-11-460. The FEIS shall consist of the DEIS and addendum.

(5) If changes in response to comments are minor and are largely confined to the responses described in paragraphs (1)(d) and (e) of this section, agencies may prepare and attach an addendum. In such cases only the comments, the responses, the changes, and an updated fact sheet, and not the rest of the EIS, need be issued under 197-11-460. The FEIS shall consist of the DEIS and the addendum.

(6) An FEIS shall be issued and circulated under 197-11-460.

#### NEW SECTION

WAC 197-11-570 CONSULTED AGENCY COSTS TO ASSIST LEAD AGENCY. A consulted agency shall not charge the lead agency for any costs incurred in complying with 197-11-550, including providing relevant data to the lead agency and copying documents for the lead agency. This section shall not prohibit a consulted agency from charging those costs allowed by chapter 42.17 RCW for copying any environmental document requested by an agency other than the lead agency or by an individual or private organization. This section does not prohibit agencies from making interagency agreements on cost or personnel sharing for providing environmental information to each other.

#### PART SIX – USING EXISTING ENVIRONMENTAL DOCUMENTS

#### NEW SECTION

WAC 197-11-640 USE OF EXISTING ENVIRONMENTAL DOCUMENTS. (1) An agency may use environmental documents which have previously been prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different than, those analyzed in the existing documents.

(2) Existing documents may be used by adoption or by incorporation by reference.

(a) In "adoption", an agency may use all or part of an existing environmental document to meet its responsibilities under SEPA.

(b) "Incorporation by reference" refers to the inclusion of all or part of any existing document in an agency's environmental documentation (see 197-11-090, 197-11-425, 197-11-443).

(c) Existing documents may include documents which are in the process of being prepared on another proposal or by another agency.

(3) The adopting agency must:

- (a) Clearly identify the document (or portions) being adopted;
- (b) Independently review the content of the document and determine that it meets the adopting agency's environmental review standards and needs for its current proposal;
- (c) Make sure that the document is readily available to the public and other agencies during applicable comment periods, if any, along with a brief description of the current proposal; and
- (d) Have the document accompany the current proposal to the decision maker.

(4) Subject to the requirements in subsection (3), an adopted document is not required to meet the adopting agency's own rules or requirements for the preparation of environmental documents (including circulation, commenting, or hearing requirements) to be "adopted." A document is not required to be final or declared adequate prior to adoption. For example, an adopted document might not be adequate or final for the proposal on which it was written, but it may adequately analyze impacts related to the current proposal. The adopting agency shall disclose when:

- (a) The agency is adopting a document which is not final for the agency that prepared it.
- (b) The document or proposal it addresses is the subject of a pending appeal.
- (c) All or part of the document has been found inadequate by the preparing agency or on appeal.

(5)(a) An agency shall adopt an environmental document by identifying the document and stating why it is being adopted. The statement of adoption may be included in agency planning and decision making documents. An optional adoption notice form is in 197-11-99340, although an agency may develop its own form.

(b) If an existing EIS is adopted for the purpose of fully satisfying an agency's compliance with RCW 43.21C.030(2)(c), and a supplemental environmental document is not being prepared, the agency shall circulate its statement of adoption in the same manner as an FEIS under 197-11-460 (also see 197-11-650 on NEPA EISs).

(6) Adoption of environmental documents by other agencies acting on the same proposal is not required when a lead agency or its responsible official issues a DNS or FEIS. For a DNS, an agency with jurisdiction may assume lead agency status if the agency is dissatisfied with the DNS (197-11-350(3)(e) and 197-11-99270). For an EIS, an agency with jurisdiction shall use a lead agency's FEIS unchanged unless:

- (a) Supplemental review is required under 197-11-660; or
- (b) The agency concludes that its written comments on the DEIS warrant additional discussion for purposes of its action than that found in the lead agency's FEIS (in which case the agency may conduct supplemental review at its own expense under 197-11-660).

#### NEW SECTION

WAC 197-11-650 USE OF NEPA DOCUMENTS. (1) An agency may adopt any environmental analysis prepared under the National Environmental Policy Act (NEPA) by following 197-11-640.

(2) A NEPA environmental assessment may be adopted to satisfy SEPA's threshold determination or EIS requirements if the requirements of 197-11-640 are met.

(3) An agency may adopt a NEPA EIS as a substitute for preparing a SEPA EIS if:

- (a) The requirements of 197-11-640 (3) through (6) are met (in which case the procedures in Parts 3-5 of these rules for preparing an EIS shall not apply); and



(b) The federal EIS is not found inadequate: (i) By a court; (ii) by the Council on Environmental Quality (CEQ) (or is at issue in a predecision referral to CEQ) under the NEPA regulations; or (iii) by the administrator of the United States Environmental Protection Agency under section 309 of the Clean Air Act, 42 U.S.C 1857.

(4) Subsequent use by another agency of a federal EIS, adopted under subsection (3), for the same (or substantially the same) proposal does not require adoption, unless the agency conducts supplemental review under 197-11-640(6).

(5) If the lead agency has not held a public hearing within its jurisdiction to obtain comments on the adequacy of adopting a federal environmental document as a substitute for preparing a SEPA EIS, a public hearing for such comments shall be held if, within thirty days of circulating its statement of adoption, a written request is received from at least fifty persons who reside within the agency's jurisdiction or are adversely affected by the environmental impact of the proposal. The agency shall reconsider its adoption of the federal document in light of public hearing comments.

#### NEW SECTION

WAC 197-11-660 SUPPLEMENTAL ENVIRONMENTAL REVIEW. (1) "Supplemental review" refers to:

(a) A new threshold determination made under 197-11-350(4) or 197-11-360(4);

(b) An SEIS; or

(c) An addendum (any other supplemental environmental document).

(2) Preparation of a new threshold determination or SEIS is required only if:

(a) There are substantial changes to a proposal which are likely to have significant adverse environmental impacts (or lack of significant adverse impacts, if a DS is being withdrawn); or

(b) There is significant new information indicating, or on, a proposal's probable significant adverse environmental impacts. "Significant new information" includes discovery of misrepresentation or lack of material disclosure.

(3) Supplemental review is not required if probable significant adverse impacts are covered by the range of alternatives and impacts analyzed in existing environmental documents.

(4) SEIS.

(a) When the criteria in subsection (2) are met, a supplemental EIS shall be prepared (197-11-405), except as provided in subsection (4)(b) below. An SEIS shall be prepared in the same way as a draft and final EIS (197-11-400 to 197-11-600), except that scoping is optional. The scope of an SEIS need not include actions, alternatives, or impacts which have been analyzed in the previously prepared EIS. Unless the SEPA lead agency wants to prepare the SEIS, an agency with jurisdiction which needs the SEIS for its action shall be responsible for SEIS preparation.

(b) An agency may use an addendum rather than an SEIS to add analysis which does not significantly change the analysis of significant impacts and alternatives in the EIS (for example, to discuss an additional impact or alternative). If so, an addendum shall be prepared and circulated to those who received the EIS (see subsection (5)(e) and (6) below). The entire EIS need not be recirculated.

(5) Addendum. An agency may use an addendum to:

(a) Update information in an environmental document;

(b) Conduct an additional or subsequent environmental assessment or analysis on one or more environmental impacts;

(c) Monitor impacts or analyze additional mitigation measures (see, for example, 197-11-340(4) and 197-11-720);

(d) Satisfy the optional coordinated permit procedures under 197-11-740;

(e) Modify or add to a lead agency's environmental document, including doing so for purposes of adoption (see, for example, 197-11-640(6)(b)); or

(f) Assist the agency in carrying out the act.

(6) An agency is not required to prepare a draft addendum. An addendum for a DEIS shall be circulated to recipients of the initial DEIS under 197-11-455 (see subsection (4)(b) above). If an addendum is prepared for a final EIS prior to agency action on a proposal, the addendum shall be circulated to the recipients of the final EIS, and the seven day waiting period in 197-11-460(4) shall apply to the addendum. Agencies are encouraged to circulate addenda to interested persons. Unless otherwise provided in these rules, however, agencies are not required to circulate an addendum.

#### NEW SECTION

WAC 197-11-670 COMBINING DOCUMENTS. The SEPA process shall be combined with the existing planning, review, and project approval processes being used by each agency with jurisdiction. When environmental documents are required, they shall accompany a proposal through the existing agency review processes. Any environmental document in compliance with SEPA may be combined with any other agency documents to reduce duplication and paperwork and improve decisionmaking. The page limits in these rules shall be met, or the combined document shall contain, at or near the beginning of the document, a separate summary of environmental considerations, as specified by 197-11-440(4). SEPA page limits need not be met for joint state-federal EISs prepared under both SEPA and NEPA, in which case the NEPA page restrictions (40 CFR 1502.7) shall apply.

### PART SEVEN - SEPA AND AGENCY DECISIONS

#### NEW SECTION

WAC 197-11-700 PURPOSE OF THIS PART. The purpose of this Part is to:

(1) Ensure the use of concise, high quality environmental documents and information in making decisions.

(2) Integrate the SEPA process with other laws and decisions.

(3) Encourage actions which preserve and enhance environmental quality, consistent with other essential considerations of state policy.

(4) Provide basic, uniform principles for the exercise of substantive authority and appeals under SEPA.

#### NEW SECTION

WAC 197-11-710 IMPLEMENTATION. (1) Agencies should be alert to the requirements of RCW 43.21C.020, 43.21C.030(1), 43.21C.060, 43.21C.075, and 43.21C.080.

(2) Relevant environmental documents, comments, and responses shall accompany proposals through existing agency review processes, as determined by agency practice and procedure, so that agency officials use them in making decisions.

(3) When a decisionmaker considers a final decision on a proposal:

(a) The alternatives in the relevant environmental documents shall be considered.

(b) The range of alternative courses of action considered by decisionmakers shall be within the range of alternatives discussed in the relevant environmental documents. However, mitigation measures adopted need not be identical to those discussed in the EIS.

(c) If information about alternatives is contained in another decision document which accompanies the relevant environmental documents to the decision maker, agencies are encouraged to make that information available to the public before the decision is made.

#### NEW SECTION

WAC 197-11-720 SUBSTANTIVE AUTHORITY AND MITIGATION. (1) Any governmental action on public or private proposals, that is not exempt, may be conditioned or denied under SEPA to mitigate the environmental impact subject to the following limitations:

(a) Mitigation measures or denials shall be based on policies, plans, rules, or regulations which are or have been formally designated by the agency (or appropriate legislative body, in the case of local government) as a basis for the exercise of substantive authority, and which are in effect at the time that a DNS or DEIS is issued.

(b) Mitigation measures shall be related to specific, adverse environmental impacts clearly identified in an environmental document on the proposal and stated in writing by the decision maker. The decision maker shall cite the agency SEPA policy which is the basis of any condition or denial under this chapter. After its decision, each agency shall make available to the public a document which states the decision. The document shall state the mitigation measures, if any, which will be implemented as part of the decision, including any monitoring of environmental impacts. Such a document may be the license itself, or may be combined with other agency documents, or may reference relevant portions of environmental documents.

(c) Mitigation measures shall be reasonable and capable of being accomplished.

(d) Responsibility for implementing mitigation measures may be imposed upon an applicant only to the extent attributable to the identified adverse impacts of its proposal. Voluntary additional mitigation may occur.

(e) Before requiring mitigation measures, agencies shall consider whether local, state, or federal requirements and enforcement would mitigate an identified significant impact (to the extent allowed by the detail of the proposal and environmental documents, including comments by agencies with jurisdiction).

(f) In order to deny a proposal under SEPA, an agency must find that:

(i) The proposal would be likely to result in significant adverse environmental impacts identified in a final or supplemental environmental impact statement prepared under this chapter; and

(ii) Reasonable mitigation measures are insufficient to mitigate the identified impact.

(2) Decision makers should carefully judge whether possible mitigation measures are likely to protect or enhance environmental quality. EISs should briefly indicate the intended environmental benefits of mitigation measures for significant impacts (see 197-11-060(6) and 197-11-440(6)). EISs are not required to analyze in detail the environmental impacts of mitigation measures, unless the mitigation measures:

(a) Represent substantial changes in the proposal which are likely to have significant adverse environmental impacts, or involve significant new information indicating, or on, a proposal's probable significant adverse environmental impacts; and

(b) Will not be analyzed in a subsequent environmental document prior to their implementation.

(3) Agencies shall prepare a document which contains agency SEPA policies (197-11-99110), so that applicants and members of the public know what these policies are. This document shall include, or reference by citation, the regulations, plans, or codes formally designated under this section and RCW 43.21C.060 as possible bases for conditioning or denying proposals. If only a portion of a regulation, plan, or code is designated, the document shall identify that portion. This document (and any documents referenced in it) shall be readily available to the public and shall be available to applicants prior to preparing a draft EIS.

**NEW SECTION .**

WAC 197-11-740 **OPTIONAL COORDINATED PERMIT PROCEDURES.** (1) Purpose. As an optional procedure, lead agencies may use phased review (197-11-060(7) and 197-11-935) to allow agencies with jurisdiction to conduct detailed analysis of impacts and identify mitigation measures, under the rules in this section. This procedure is designed to provide appropriate consideration of environmental factors while reducing duplication of licensing requirements and paperwork, encouraging the proper level of detail in environmental documents, integrating the timing of development planning and the SEPA process, improving interagency coordination, and eliminating unnecessary detailed design costs in the early planning of proposals with significant impacts.

(2) Identifying mitigation through phased review. Under the optional procedures in this section, the lead agency may issue an FEIS and complete its decisionmaking process, subject to subsequent examination of detailed design elements by other agencies with jurisdiction and by the lead agency at a later date.

(3) EIS procedures. Upon request by a lead agency or applicant, an agency with jurisdiction shall inform the lead agency whether the agency with jurisdiction may be making a decision to condition or deny a proposal on specific environmental elements or known significant impacts identified in the lead agency's EIS. If so, the lead agency is not required to analyze those impacts in detail or to develop or consider mitigation measures for those impacts in its EIS if all the following occurs:

(a) The lead agency's EIS identifies the specific impacts, agencies, and permits or other requirements which are the basis of the phased EIS (197-11-440(2)(k), (4), and (5)(c)(iii)).

(b) Another agency with jurisdiction will require more detailed information on the proposal to make its decision and will issue and SEIS or addendum to the lead agency's EIS on the impact in question. An addendum shall be used unless the criteria for an SEIS apply (197-11-660). Such supplemental review shall have the effect of completing the EIS process. (In addition, 197-11-720(2)(b) shall not apply to the supplemental review by an agency with jurisdiction under this section.)

(c) The lead agency's EIS has analyzed the impacts in question in sufficient detail for the lead agency to develop and describe reasonable alternative courses of action and to make a decision to approve or reject the proposal, subject to possible additional mitigation measures. An agency may allow an appeal under SEPA at this stage of the process, as long as the impacts and mitigation measures which are the subject of the phased review under this section are not eliminated from being appealed subsequently.

(4) Mitigation decisions.

(a) If requested by the lead agency, the agency with jurisdiction shall allow the lead agency to participate in the review and development of mitigation measures.

(b) The lead agency may require additional mitigation measures on the proposal if it determines that the conditions placed by the agency with jurisdiction are insufficient to mitigate impacts of concern to the lead agency. The lead agency shall inform the agency with jurisdiction and any applicant of the lead agency's determination that additional mitigation is needed as soon as possible in this phased review process.

**NEW SECTION**

WAC 197-11-750 **APEALS.** (1) Statutory requirements. Appeals provisions in the act are found in RCW 43.21C.060, 43.21C.075, and 43.21C.080.

(2) RCW 43.21C.060 allows an appeal to a local legislative body, such as a county council, from a decision to condition or deny a proposal by a nonelected official, such as a planning director or hearing examiner. Appeals under RCW 43.21C.060 shall occur in accordance with local agency procedures. The local legislative body may eliminate this kind of agency SEPA appeal.

(3) RCW 43.21C.075 is the principal section governing appeals and consists of:

(a) The right to challenge compliance with SEPA - subsection (1).

(b) Two general rules for appeal - subsection (2).

(c) Appeals to agencies - subsection (3).

(d) Required use of agency appeals before going to court - subsection (4).

(e) Appeals to court - subsections (5) and (6).

(f) Optional appeal to shorelines hearings board instead of appealing to agencies or court - subsection (7).

(g) Definitions for appeals - subsection (8).

(h) Limited attorneys fees provisions - subsection (9).

(4) RCW 43.21C.080 allows agencies or applicants to publish a "notice of action" (197-11-99380) which, if used, requires SEPA appeals to be filed within certain time periods. RCW 43.21C.080 must be read along with RCW 43.21C.075 to understand when and how a notice of action is used.

(5) General rule for all SEPA appeals and major exceptions.

(a) When challenging SEPA compliance, the underlying government action (such as a permit decision) and any environmental determination (such as the adequacy or lack of an EIS) shall be appealed together. In other words, appeal on the underlying government action and any SEPA determination shall be filed at the same time, and both shall be the subject of the appeal.

(b) The exceptions to the general rule stated in subsection (5)(a) of this section are:

(i) Agency procedures may allow a threshold determination to be appealed to the agency separately from and before a decision is made on the underlying government action.

(ii) Appeals to agencies of procedural and substantive determinations may be separated in certain circumstances (see subsection (6) below).

(iii) The SEPA portion of a judicial appeal shall be filed no later than thirty days after the agency gives official notice of its decision on the underlying government action, if there is a time period in statute or ordinance for challenging the underlying action (see subsection (7) below).

(6) Agency appeals.

(a) Agencies are not required to have any agency appeals (except for any appeals under RCW 43.21C.060 which have not been eliminated by a local legislative body).

(b) Agencies may have appeals to administrative or legislative officials. Any such appeals shall follow the requirements of RCW 43.21C.075 and this section. Agency SEPA procedures (197-11-99120) shall include those items specified in RCW 43.21C.075(3) and any procedures for appeal under this subsection.

(c) Agencies may decide which SEPA determinations are subject to agency appeals, and who will hear such appeals. Agencies may provide for appeals on substantive or procedural determinations or both.

(d) Agencies are not required to have an agency appeal for every aspect of procedural or substantive determinations. For example, agencies may have agency appeals for certain aspects of SEPA determinations, such as DNSs, but not others, such as categorical exemptions or DSs.

(e) Although opportunity for comment is required and encouraged, agencies shall not provide for an appeal proceeding for scoping determinations, DEIS adequacy, or similar procedural requirements in the midst of the environmental review process prior to the issuance of an FEIS.

(f) Agencies shall have only one appeal proceeding on a procedural determination. Such a determination shall consist of the adequacy of a final threshold determination or final environmental impact statement (and may include a final supplemental threshold determination or final SEIS). An appeal is allowed for successive procedural determinations, for example, the existence of a threshold determination and, later, the adequacy of a final EIS. Because this single appeal requirement must be administered consistent with other state statutes, an additional level of appeal on a procedural determination may occur only if another statute requires that an appeal be allowed to a local legislative body.

(g) Agencies shall consolidate appeals of SEPA procedural issues and substantive determinations, except that a separate appeal may occur for a threshold determination ((b)(i) of this section), or for an appeal to a local legislative body under RCW 43.21C.060 or other applicable state statute (such as an appeal to a county council from a hearing examiner's decision on a proposal). A consolidated appeal (197-11-837) cannot occur, and therefore is not required, when an agency does not have an appeal proceeding for both substantive and procedural decisions.

(h) Agency "determination" under RCW 43.21C.075 refers to final agency action and not to recommendations to decision makers.

(7) Judicial appeals.

(a) Neither the act nor these rules create a mandatory statute of limitations on SEPA appeals. Rather, they provide for:

(i) An optional notice of action which, if used, triggers a mandatory time period for filing an appeal; and

(ii) The filing of a SEPA portion of a lawsuit no later than thirty days after official notice of agency action if another statute or ordinance contains a time period for filing a lawsuit on the underlying government action. Thus, the SEPA portion of a lawsuit may be filed later than the time required to file an appeal on the underlying government action. For example, if a statute requires an agency action to be appealed to court within fifteen days, and that appeal is duly filed, a challenge to the agency's SEPA compliance on the underlying government action need not be filed in court for another fifteen days. This additional time is provided in part to allow review of final environmental documents and to maintain general consistency with the basic thirty day period under the notice of action.

(b) Filing of the SEPA portion of a lawsuit within thirty days shall not be considered as a challenge to the underlying government action if a timely appeal under statute or ordinance was not filed on such underlying action.

(c) Agencies or applicants may continue to use the notice of action in RCW 43.21C.080. If so:

(i) The newspaper publication may be accomplished in the same manner as, and within the period for, appealing the underlying government action, which may be shorter than the period otherwise needed to meet RCW 43.21C.080.

(ii) The time period for appeal will continue to be thirty days for private proposals and ninety days for public proposals, unless (7)(a)(ii) of this section applies, in which case the time period for filing a lawsuit shall be thirty days.

(iii) The term "action" cannot simply refer to a SEPA procedural determination.

(d) An appellant shall file a "notice of intent" to file a SEPA lawsuit with the responsible official (RCW 43.21C.075(5)(a)) only if:

(i) There is a period required by statute or ordinance to appeal the underlying government action; and

(ii) There has been an agency SEPA appeal under this section, and the agency has given the required notice to the parties of record of the result of such appeal.

(e) If there is more than one underlying government action that has an appeal period, any required notice of intent shall be filed no later than the latest of such other appeal periods.

(f) If deadlines for appealing the underlying government action are not contained in statute or ordinance (for example, if they are contained in rules), the time period for challenging SEPA compliance shall be governed by the notice of action, if any, or by the common law doctrine of laches.

(g) Neither SEPA nor these rules prohibits judicial review of the implementation of mitigation measures (which may occur later in time than final decisions on proposals) or of categorical exemptions.

(8) Official notice for appeals.

(a) Official notice of the time to commence an appeal shall not be given prior to final agency action.

(b) For a notice of action, the time period to file an appeal runs from the date of second newspaper publication (RCW 43.21C.080) or of concurrent publication with notice for the underlying government action (RCW 43.21C.075(5)(c)).

(c) For judicial appeals following agency appeals under RCW 43.21C.075(3), the time period to file a judicial appeal shall run from five days after an agency has mailed or otherwise given notice under its procedures to the parties of record.

(d) For all other appeals, the time period to file an appeal shall run from five days after an agency has given notice under its procedures, or from the date of publication in a newspaper of general circulation in the geographic area in which the proposal is located, whichever is sooner.

(e) "Official notice" refers to publication in a newspaper of general circulation in the geographic area in which the proposal is located or any other reasonable method under agency procedures for giving formal notice of its actions. Official notice under this section shall substantially include the information in 197-11-99380 and may be combined with other agency notice as long as the SEPA aspect is identifiable.

## PART EIGHT - DEFINITIONS

### NEW SECTION

WAC 197-11-800 DEFINITIONS. (1) The terms used in these rules shall be uniform throughout the state as applied to SEPA (197-11-035). Agencies may add to certain of these definitions in their procedures, to help explain how they carry out SEPA, but shall not change these definitions (197-11-99122).

(2) Unless the context clearly requires otherwise:

(a) Use of the singular shall include the plural and conversely.

(b) "Preparation" of environmental documents refers to preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements.

(c) "Impact" refers to environmental impact.

(d) "Permit" means "license" (197-11-905).

(e) "Commenting" includes but is not synonymous with "consultation" (Part 5).

(f) "Environmental cost" refers to adverse environmental impact and may or may not be quantified.

(g) "EIS" refers to draft, final, and supplemental EISs (197-11-405 and 197-11-860).

(h) "Under" includes pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

(3) In these rules:

(a) "Shall" is mandatory.

(b) "May" is optional and permissive and does not impose a requirement.

(c) "Include" means "include but not limited to."

(4) The following terms are synonymous:

(a) Effect and impact (197-11-880).

(b) Environment and environmental quality (197-11-865).

(c) Major and significant (197-11-915 and 197-11-970).

(d) Proposal and proposed action (197-11-945).

(e) Probable and likely (197-11-942).

### NEW SECTION

WAC 197-11-810 ACT. "Act" means the State Environmental Policy Act of 1971, chapter 43.21C RCW, as amended, which is also referred to as "SEPA".

NEW SECTION

WAC 197-11-815 ACTION. (1) "Actions" include, as further specified below:

(a) New and continuing activities, including projects and programs entirely or partly financed, assisted, conducted, regulated, licensed, or approved by agencies;

(b) New or revised agency rules, regulations, plans, policies, or procedures; and

(c) Legislative proposals.

(2) Agency actions tend to fall within one of two broad categories: Project and nonproject actions.

(3) Project actions. A project action involves a decision on a specific project, such as a construction or management activity located in a defined geographic area. Projects include and are limited to agency decisions to:

(a) License, fund, or undertake any activity which will directly modify the environment, whether the activity will be conducted by the agency, an applicant, or under contract.

(b) Purchase, sell, lease, transfer, or exchange natural resources, including publicly owned land, whether or not the environment is directly modified.

(4) Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs. Nonproject actions may or may not be located in a defined geographic area. Nonproject actions may or may not involve licensing, funding, or construction activities. Nonproject actions include and are limited to agency adoption of:

(a) Formal plans, contained in official documents, which guide or prescribe alternative uses of agency resources, upon which future agency actions will be based. Such plans include the adoption or amendment of comprehensive land use plans or zoning ordinances, and appropriate road, street, and highway plans.

(b) Official policy, contained in ordinances, rules, regulations, (or other formal documents establishing an agency's policies which will result in or substantially alter agency programs) which contain standards controlling use or modification of the environment. Policy actions shall also include: (i) Creation of, or annexations to, any city, town, or district; (ii) adoptions or approvals of utility, transportation, or solid waste disposal rates; and (iii) adoption of capital budgets. (Also see 197-11-900 on legislation.)

(c) Programs, which consist of a group of concerted actions, such as systematic and connected agency decisions allocating agency resources, to implement a specific policy or plan.

(5) All "actions" do not necessarily require environmental review under SEPA. In addition to actions categorically exempt under Part 9 of these rules, which do not require environmental review (RCW 43-21C.031 and 43.21C.110(1)(a)), the need for environmental review depends on the proposed action and its environmental impacts (197-11-060). (Also see the explanation of "single," "connected," and "similar" actions in the definition of "scope," 197-11-960.)

(6) "Actions" do not include the activities listed above when an agency is not involved. Actions do not include bringing judicial or administrative civil or criminal enforcement actions (certain categorical exemptions in Part 9 identify in more detail governmental activities which would not have any environmental impacts and for which SEPA review is not required).

NEW SECTION

WAC 197-11-818 ADDENDUM. "Addendum" means an environmental document used for supplemental review other than a supplemental EIS or supplemental threshold determination made under 197-11-350(4) or 197-11-360(4). An addendum may be used at any time during the SEPA process. (197-11-660.)

NEW SECTION

WAC 197-11-819 ADOPTION. "Adoption" means an agency's use of all or part of an existing environmental document to meet the agency's responsibilities under SEPA. (197-11-640.)

NEW SECTION

WAC 197-11-820 AFFECTING. "Affecting" means having, or may be having, an effect on (see 197-11-880 on impacts). For purposes of deciding whether an EIS is required and what the EIS must cover, "affecting" refers to having probable, significant adverse environmental impacts (RCW 43.21C.031 and 43.21C.110(1)(c); 197-11-305).

NEW SECTION

WAC 197-11-825 AGENCY. (1) "Agency" means any state or local governmental body, board, commission, department, or officer authorized to make law, hear contested cases, or otherwise take the actions stated in 197-11-815, except the judiciary and state legislature. An agency is any state agency (197-11-975) or local agency (197-11-910).

(2) "Agency with environmental expertise" means an agency with special expertise on the environmental impacts involved in a proposal or alternative significantly affecting the environment. These agencies are listed in 197-11-99190; the list may be expanded in agency procedures (197-11-99122). The appropriate agencies must be consulted in the environmental impact statement process, as required by 197-11-502.

(3) "Agency with jurisdiction" means an agency with authority to approve, veto, or finance all or part of a nonexempt proposal (or part of a proposal). The term does not include an agency authorized to adopt rules or standards of general applicability that could apply to a proposal, but for which no license or approval is required from the agency for the specific proposal. The term also does not include a local, state, or federal agency involved in approving a grant or loan, that serves only as a conduit between the primary administering agency and the recipient of the grant or loan. Federal agencies with jurisdiction are those from which a license or funding is sought or required.

(4) If a specific agency has been named in these rules, and the functions of that agency have changed or been transferred to another agency, the term shall mean any successor agency.

NEW SECTION

WAC 197-11-830 APPLICANT. "Applicant" means any person or entity, including an agency, applying for a license from an agency. Application means a request for a license.

NEW SECTION

WAC 197-11-832 BUILT ENVIRONMENT. "Built environment" means the elements of the environment as specified by RCW 43.21C.110(1)(f) and 197-11-444(2), which are generally built or made by people as contrasted with natural processes.

NEW SECTION

WAC 197-11-835 CATEGORICAL EXEMPTION. "Categorical exemption" means a type of action, specified in these rules, which does not significantly affect the environment (RCW 43.21C.110(1)(a)); categorical exemptions are found in Part 9 of these rules. Neither a threshold determination nor any environmental document, including an environmental checklist or environmental impact statement, is required for any categorically exempt action (RCW 43-21C.031). These rules specifically provide for those extraordinary circumstances when an action with normally nonsignificant effects shall not be considered categorically exempt (197-11-320).

NEW SECTION

WAC 197-11-837 CONSOLIDATED APPEAL. "Consolidated appeal" means the procedure requiring a person to file an agency appeal challenging both procedural and substantive compliance with SEPA at the same time, as provided under RCW 43.21C.075(3)(b) and the exceptions therein. If an agency does not have an appeal procedure for challenging either the agency's procedural or its substantive SEPA determinations, the appeal cannot be consolidated prior to any judicial review (see 197-11-750). The requirement for a consolidated appeal does not preclude agencies from bifurcating appeal proceedings and allowing different agency officials to hear different aspects of the appeal (197-11-750(6)).

NEW SECTION

WAC 197-11-840 CONSULTED AGENCY. "Consulted agency" means any agency with jurisdiction or expertise that is requested by the lead agency to provide information during the SEPA process.

NEW SECTION

WAC 197-11-842 COST-BENEFIT ANALYSIS. "Cost-benefit analysis" means a quantified comparison of costs and benefits generally expressed in monetary or numerical terms. It is not synonymous with

the weighing or balancing of environmental and other impacts or benefits of a proposal.

#### NEW SECTION

WAC 197-11-845 COUNTY/CITY. "County/city" means a county, city, or town. In this chapter, duties and powers are assigned to a county, city, or town as a unit. The delegation of responsibilities among the various departments of a county, city, or town is left to the legislative or charter authority of the individual counties, cities, or towns.

#### NEW SECTION

WAC 197-11-847 DECISION MAKER. "Decision maker" means the agency official or officials who make the agency's decision on a proposal. The decision maker and responsible official are not necessarily synonymous, depending on the agency and its SEPA procedures (197-11-99122 and 197-11-99130).

#### NEW SECTION

WAC 197-11-849 DEPARTMENT. "Department" means the Washington state department of ecology.

#### NEW SECTION

WAC 197-11-850 DETERMINATION OF NONSIGNIFICANCE (DNS). "Determination of nonsignificance" (DNS) means the written decision by the responsible official of the lead agency that a proposal is not likely to have a significant adverse environmental impact, and therefore an EIS is not required (197-11-310 and 197-11-350). The DNS form is in 197-11-99350.

#### NEW SECTION

WAC 197-11-855 DETERMINATION OF SIGNIFICANCE (DS). "Determination of significance" (DS) means the written decision by the responsible official of the lead agency that a proposal is likely to have a significant adverse environmental impact, and therefore an EIS is required (197-11-310 and 197-11-360). The DS form is in 197-11-99360. Agencies may use a similar notice instead of a DS to commence scoping, as allowed in 197-11-360 and 197-11-408.

#### NEW SECTION

WAC 197-11-860 EIS. "EIS" means environmental impact statement, which is the detailed statement required by RCW 43.21C.030(2)(c). Although the term "detailed statement" in the statute literally refers to a final EIS, the term "EIS" in these rules shall refer to draft, final, or supplemental EISs (197-11-405).

#### NEW SECTION

WAC 197-11-865 ENVIRONMENT. "Environment" means, and is limited to, those elements listed in 197-11-444, as required by RCW 43.21C.110(1)(f). Environment and environmental quality refer to the state of the environment and are synonymous as used in these rules and refer basically to physical environmental quality.

#### NEW SECTION

WAC 197-11-870 ENVIRONMENTAL CHECKLIST. "Environmental checklist" means the form in 197-11-99325. Rules for its use are in 197-11-325.

#### NEW SECTION

WAC 197-11-875 ENVIRONMENTAL DOCUMENT. "Environmental document" means any written public document prepared under this chapter. Under SEPA, the terms environmental analysis, environmental study, environmental report, and environmental assessment do not have specialized meanings and do not refer to particular documents or processes (unlike various other state or federal environmental impact procedures). Rather, these terms refer generally to efforts to understand and consider environmental factors, and are often used interchangeably.

#### NEW SECTION

WAC 197-11-876 ENVIRONMENTAL REVIEW. "Environmental review" means the consideration of environmental factors under SEPA. The "environmental review process" is the procedure used by agencies and others under SEPA for giving appropriate consideration to the environment in agency decision making.

#### NEW SECTION

WAC 197-11-877 ENVIRONMENTALLY SENSITIVE AREA. "Environmentally sensitive area" means an area designated and mapped by a county/city under 197-11-99125. Certain categorical exemptions do not apply within environmentally sensitive areas (197-11-320(3), 197-11-99125, and Part 9 of these rules).

#### NEW SECTION

WAC 197-11-879 EXPANDED SCOPING. "Expanded scoping" is an optional process which may be used by agencies to go beyond minimum scoping requirements. In order to promote the purposes of scoping and efforts by agencies, applicants, and the public to work together early in the environmental review process, great latitude is given to agencies in how they wish to conduct any expanded scoping process under 197-11-410, so that agencies will not be penalized for using the process creatively.

#### NEW SECTION

WAC 197-11-880 IMPACTS. "Impacts" are the effects or consequences of actions. Environmental impacts are effects upon the elements of the environment listed in 197-11-444.

#### NEW SECTION

WAC 197-11-885 INCORPORATION BY REFERENCE. "Incorporation by reference" means the inclusion of all or part of any existing document in an agency's environmental documentation (197-11-090).

#### NEW SECTION

WAC 197-11-890 LANDS COVERED BY WATER. "Lands covered by water" means lands underlying the water areas of the state below the ordinary high water mark, including salt waters, tidal waters, estuarine waters, natural water courses, lakes, ponds, artificially impounded waters, marshes, and swamps. Certain categorical exemptions do not apply to lands covered by water, as specified in Part 9.

#### NEW SECTION

WAC 197-11-895 LEAD AGENCY. "Lead agency" means the agency with the main responsibility for complying with SEPA's procedural requirements (197-11-050 and 197-11-99201). The procedures for determining lead agencies are in Part 10 of these rules. "Lead agency" may be read as "responsible official" (197-11-950 and 197-11-99130) unless the context clearly requires otherwise. Depending on the agency and the type of proposal, for example, there may be a difference between the lead agency's responsible official, who is at a minimum responsible for procedural determinations (such as 197-11-315, 197-11-455, 197-11-460) and its decision maker, who is at a minimum responsible for substantive determinations (such as 197-11-448, 197-11-710, and 197-11-720).

#### NEW SECTION

WAC 197-11-900 LEGISLATION. "Legislation" means agency adoption or amendment of legislation or ordinances which contain standards controlling use or modification of the environment. Proposals for legislation means legislation proposed by agencies.

#### NEW SECTION

WAC 197-11-905 LICENSE. "License" means any form of written permission given to any person, organization, or agency to engage in any activity, as required by law or agency rule. A license includes all or part of an agency permit, certificate, approval, registration, charter, or plat approvals or rezones to facilitate a particular proposal. The term does not include a license required solely for revenue purposes.

NEW SECTION

WAC 197-11-910 LOCAL AGENCY. "Local agency" or "local government" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties and their legislative bodies. The term encompasses but does not refer specifically to the departments within a city or county.

NEW SECTION

WAC 197-11-915 MAJOR ACTION. "Major action" means an action which is likely to have significant adverse environmental impacts. "Major" reinforces but does not have a meaning independent of "significantly" (197-11-970). Action is defined in 197-11-815.

NEW SECTION

WAC 197-11-918 MITIGATED DNS. Mitigated DNS" means a DNS which includes mitigation measures and is issued as a result of the process specified in 197-11-340.

NEW SECTION

WAC 197-11-920 MITIGATION. "Mitigation" means:

- (1) Avoiding the impact altogether by not taking a certain action or parts of an action;
- (2) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;
- (5) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or
- (6) Monitoring the impact and taking appropriate corrective measures.

NEW SECTION

WAC 197-11-922 NATURAL ENVIRONMENT. "Natural environment" means those aspects of the environment contained in 197-11-444(1), frequently referred to as natural elements, or resources, such as earth, air, water, wildlife, and energy.

NEW SECTION

WAC 197-11-925 NEPA. "NEPA" means the National Environmental Policy Act of 1969 (42 USCA 4321 et seq.; P.L. 91-190), which is like SEPA at the federal level. The federal NEPA regulations are located at 40 CFR 1500 et seq.

NEW SECTION

WAC 197-11-930 NONPROJECT. "Nonproject" means actions which are different or broader than a single site specific project, such as plans, policies, and programs (197-11-815).

NEW SECTION

WAC 197-11-935 PHASED REVIEW. "Phased review" means the coverage of general matters in broader environmental documents, with subsequent narrower documents concentrating solely on the issues specific to the later analysis (197-11-060(7)). Phased review may be used for a single proposal or EIS (197-11-060 and 197-11-740).

NEW SECTION

WAC 197-11-937 PREFERRED ALTERNATIVE. "Preferred alternative" means a preference for a particular alternative course of action, at the time the preference is expressed. A preferred alternative is not a decision, and may be no more than an expression that a responsible official or decision maker is tentatively inclined toward a certain direction.

NEW SECTION

WAC 197-11-939 PREPARATION. "Preparation" of an environmental document means preparing or supervising the preparation of documents, including issuing, filing, printing, circulating, and related requirements (see 197-11-800(2)).

NEW SECTION

WAC 197-11-940 PRIVATE PROJECT. "Private project" means any proposal primarily initiated or sponsored by an individual or entity other than an agency.

NEW SECTION

WAC 197-11-942 PROBABLE. "Probable" means likely or reasonably likely to occur, as in "a reasonable probability of more than a moderate effect on the quality of the environment" (see 197-11-970). Probable is used to distinguish likely impacts from those which merely have a possibility of occurring, but are remote or speculative.

NEW SECTION

WAC 197-11-945 PROPOSAL. "Proposal" means a proposed action. A proposal includes both actions and regulatory decisions of agencies as well as any actions proposed by applicants. A proposal exists at that stage in the development of an action when an agency is presented with an application, or has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal, and the environmental effects can be meaningfully evaluated. (See 197-11-055 and 197-11-060(4).) A proposal may therefore be a particular or preferred course of action or several alternatives. For this reason, these rules use the phrase "alternatives including the proposed action." The term "proposal" may therefore include "other reasonable courses of action," if there is no preferred alternative and if it is appropriate to do so in the particular context.

NEW SECTION

WAC 197-11-947 REASONABLE ALTERNATIVE. "Reasonable alternative" means an action which: (1) Could feasibly attain or approximate a proposal's objectives, but at a lower environmental cost or decreased level of environmental degradation, and (2) is capable of being effected by the lead agency or another agency with jurisdiction (in other words, such agencies have the authority to control impacts directly or through mitigation requirements). (See 197-11-060(6), 197-11-440(5), and 197-11-720). Also see the definition of "scope" for the three types of alternatives to be analyzed in EISs (197-11-960).

NEW SECTION

WAC 197-11-950 RESPONSIBLE OFFICIAL. "Responsible official" means that officer or officers, committee, department, or section of the lead agency designated by agency SEPA procedures to undertake its procedural responsibilities as lead agency (197-11-99130).

NEW SECTION

WAC 197-11-955 SEPA. "SEPA" means the State Environmental Policy Act of 1971 (chapter 43.21C RCW), which is also referred to as the act. The "SEPA process" means all measures necessary for compliance with the act's requirements.

NEW SECTION

WAC 197-11-960 SCOPE. (1) "Scope" means the range of proposed actions, alternatives, and impacts to be analyzed in an environmental document (197-11-060(3)). "Scoping" means determining the scope of an EIS and identifying and narrowing the scope to significant impacts (197-11-965).

(2) To determine the scope of environmental impact statements, agencies consider three types of actions, three types of impacts, and three types of alternatives.

- (a) Actions may be:
  - (i) Single (a specific action which is not related to other proposals or parts of proposals);
  - (ii) Connected (proposals or parts of proposals which are closely related under 197-11-060(4)(e) or (g)); or
  - (iii) Similar (proposals that have common aspects and may be analyzed together under 197-11-060(4)(f)).
- (b) Alternatives may be:
  - (i) No action;
  - (ii) Other reasonable courses of action; or
  - (iii) Mitigation measures (not in the proposed action).
- (c) Impacts may be:
  - (i) Direct;

- (ii) Indirect; or
- (iii) Cumulative.

(3) 197-11-060 provides general rules for the content of any environmental review under SEPA; Part 4 and 197-11-440 provide specific rules for the content of EISs. The scope of an individual statement may depend on its relationship with other EISs or on phased review.

#### NEW SECTION

WAC 197-11-965 SCOPING. "Scoping" means determining the range of proposed actions, alternatives, and impacts to be discussed in an EIS. Because an EIS is required to analyze significant environmental impacts only, scoping is intended to identify and narrow the EIS to the significant issues. The required scoping process (197-11-408) provides interagency and public notice of a DS, or equivalent notification, and opportunity to comment. The lead agency has the option of expanding the scoping process (197-11-410), but shall not be required to do so. Scoping is used to encourage cooperation and early resolution of potential conflicts, to improve decisions, and to reduce paperwork and delay.

#### NEW SECTION

WAC 197-11-970 SIGNIFICANT. (1) "Significant" as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality.

(2) Significance involves context and intensity (197-11-315(3)) and does not lend itself to a formula or quantifiable test. The context may vary with the physical setting. Intensity depends on the magnitude and duration of an impact. The following should be considered in evaluating intensity, as is appropriate for specific proposals:

(a) Impacts may be both beneficial and adverse. A significant impact may exist even if the agency believes that on balance the effect of the proposal will be beneficial.

(b) The degree to which a proposal may adversely affect environmentally sensitive or special areas, such as loss or destruction of historic, scientific, and cultural resources, parks, prime farmlands, wetlands, wild and scenic rivers, or wilderness.

(c) The degree to which a proposal may adversely affect endangered or threatened species or their habitat.

(d) The degree to which a proposal threatens a violation of local, state, or federal laws or requirements for the protection of the environment.

(e) The degree to which the action may establish a precedent for future actions with significant effects, involves unique and unknown risks to the environment, or affects public health or safety.

(f) The severity of an impact should be weighed along with the likelihood of its occurrence. An impact may be significant if its chance of occurrence is not great, but the resulting environmental impact would be severe if it occurred.

(3) Environmental effects are not normally significant if they meet existing environmental standards governing such impacts; however, an agency may determine that such impacts are significant, based upon the particular environmental setting and analysis in environmental documents or information (or lack of information) on a proposal or its impacts. An agency may require mitigation in accordance with SEPA and these rules even if an impact is not significant.

(4) 197-11-315 specifies a process, including criteria and procedures, for determining whether a proposal is likely to have a significant adverse environmental impact.

#### NEW SECTION

WAC 197-11-975 STATE AGENCY. "State agency" means any state board, commission, department, or officer, including state universities, colleges, and community colleges, that is authorized by law to make rules, hear contested cases, or otherwise take the actions stated in 197-11-815, except the judiciary and state legislature.

#### NEW SECTION

WAC 197-11-980 SUPPLEMENTAL REVIEW. "Supplemental review" means an environmental document that is done in addition to existing environmental analysis and refers to: (1) A new threshold determination made under 197-11-350(4) or 197-11-360(4); (2) a supplemental environmental impact statement; or (3) an addendum. (197-11-660.)

#### NEW SECTION

WAC 197-11-985 THRESHOLD DETERMINATION. "Threshold determination" means the decision by the responsible official of the lead agency whether or not an EIS is required for a proposal (197-11-310).

#### NEW SECTION

WAC 197-11-988 UNDERLYING GOVERNMENT ACTION. "Underlying government action" means the governmental action, such as zoning or permit approvals, that is the subject of SEPA compliance.

### PART NINE - CATEGORICAL EXEMPTIONS

#### NEW SECTION

WAC 197-11-99001 CATEGORICAL EXEMPTIONS. The proposed actions contained in Part 9 are categorically exempt (197-11-835), subject to the rules and limitations on categorical exemptions contained in 197-11-320. If a proposal fits within any of the provisions of this Part, the proposal shall be categorically exempt, except as provided in 197-11-320.

(1) Minor new construction—Flexible thresholds.

(a) The exemptions in this subsection apply to all licenses required to undertake the construction in question, except when a rezone or any license governing emissions to the air or water is required. To be exempt under this subsection, the project must be equal to or smaller than the exempt level. If an agency does not establish an exempt level under (c) of this subsection, the level in (b) of this subsection shall control. If there is more than one agency with jurisdiction, the lower of the agencies' adopted levels shall control, regardless of which agency is the lead agency.

(b) The following types of construction shall be exempt, except when undertaken wholly or partly on lands covered by water:

(i) The construction or location of any residential structures of four dwelling units.

(ii) The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 10,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(iii) The construction of an office, school, commercial, recreational, service or storage building with 4,000 square feet of gross floor area, and with associated parking facilities designed for twenty automobiles.

(iv) The construction of a parking lot designed for twenty automobiles.

(v) Any landfill or excavation of 100 cubic yards throughout the total lifetime of the fill or excavation; and any fill or excavation classified as a class I, II, or III forest practice under RCW 76.09.050 or regulations thereunder.

(c) Agencies may raise the exempt levels to the maximum specified below by implementing ordinance or resolution, or, for state agencies, by rulemaking. Such levels shall be specified in the agency's SEPA procedures (197-11-99120). A newly established exempt level shall be supported by local conditions, including zoning or other land use plans or regulations. An agency may adopt a system of several exempt levels (such as different levels for different geographic areas). The maximum exempt level for the exemptions in (1)(b) of this section shall be, respectively:

(i) 20 dwelling units.

(ii) 30,000 square feet.

(iii) 12,000 square feet; 40 automobiles.

(iv) 40 automobiles.

(v) 500 cubic yards.

(2) Other minor new construction. The following types of construction shall be exempt except where undertaken wholly or in part on lands covered by water (unless specifically exempted in this subsection); the exemptions provided by this section shall apply to all licenses required to undertake the construction in question, except where a rezone or any license governing emissions to the air or water is required:

(a) The construction or designation of bus stops, loading zones, shelters, access facilities and pull-out lanes for taxicabs, transit and school vehicles.

(b) The construction and/or installation of commercial on-premise signs, and public signs and signals.



(c) The construction or installation of minor road and street improvements such as pavement marking, freeway surveillance and control systems, railroad protective devices (not including grade-separated crossings), grooving, glare screen, safety barriers, energy attenuators, transportation corridor landscaping (including the application of Washington state department of agriculture approved herbicides by licensed personnel for right-of-way weed control as long as this is not within watersheds controlled for the purpose of drinking water quality in accordance with WAC 248-54-660), temporary traffic controls and detours, correction of substandard curves and intersections within existing rights-of-way, widening of a highway by less than a single lane width where capacity is not significantly increased and no new right-of-way is required, adding auxiliary lanes for localized purposes, (weaving, climbing, speed change, etc.), where capacity is not significantly increased and no new right-of-way is required, channelization and elimination of sight restrictions at intersections, street lighting, guard rails and barricade installation, installation of catch basins and culverts, and reconstruction of existing roadbed (existing curb-to-curb in urban locations), including adding or widening of shoulders, addition of bicycle lanes, paths and facilities, and pedestrian walks and paths, but not including additional automobile lanes.

(d) Grading, excavating, filling, septic tank installations, and landscaping necessary for any building or facility exempted by this subsection, as well as fencing and the construction of small structures and minor facilities accessory thereto.

(e) Additions or modifications to or replacement of any building or facility exempted by this subsection when such addition, modification or replacement will not change the character of the building or facility in a way which would remove it from an exempt class.

(f) The demolition of any structure or facility, the construction of which would be exempted by this subsection, except for structures or facilities with recognized historical significance.

(g) The installation of impervious underground tanks, having a capacity of 10,000 gallons or less.

(h) The vacation of streets or roads.

(i) The installation of hydrological measuring devices, regardless of whether or not on lands covered by water.

(j) The installation of any property, boundary or survey marker, other than fences, regardless of whether or not on lands covered by water.

(3) Repair, remodeling and maintenance activities. The following activities shall be categorically exempt: The repair, remodeling, maintenance, or minor alteration of existing private or public structures, facilities or equipment, including utilities, involving no material expansions or changes in use beyond that previously existing.

(4) Water rights. The following appropriations of water shall be exempt, the exemption covering not only the permit to appropriate water, but also any hydraulics permit, shoreline permit or building permit required for a normal diversion or intake structure, well and pumphouse reasonably necessary to accomplish the exempted appropriation, and including any activities relating to construction of a distribution system solely for any exempted appropriation:

(a) Appropriations of fifty cubic feet per second or less of surface water for irrigation purposes, when done without a government subsidy.

(b) Appropriations of one cubic foot per second or less of surface water, or of ten cubic feet per second or less of ground water, for any purpose.

(5) Purchase or sale of real property. The following real property transactions by an agency shall be exempt:

(a) The purchase or acquisition of any right to real property.

(b) The sale, transfer or exchange of any publicly owned real property, but only if the property is not subject to an authorized public use.

(c) The lease of real property when the use of the property for the term of the lease will remain essentially the same as the existing use, or when the use under the lease is otherwise exempted by this chapter.

(6) Minor land use decisions. The following land use decisions shall be exempt:

(a) Except upon lands covered by water, the approval of short plats or short subdivisions pursuant to the procedures required by RCW 58-17.060, but not including further short subdivisions or short platting within a plat or subdivision previously exempted under this subsection.

(b) Granting of variances based on special circumstances, not including economic hardship, applicable to the subject property, such as size, slope, topography, location or surroundings and not resulting in any change in land use or density.

(c) Classifications of land for current use taxation under chapter 84.34 RCW, and classification and grading of forest land under chapter 84.33 RCW.

(7) School closures. The adoption and implementation of a plan, program, or decision for the closure of a school or schools shall be exempt. Demolition, physical modification or change of a facility from a school use shall not be exempt under this subsection.

(8) Open burning. Opening burning and the issuance of any license for open burning shall be exempt. The adoption of plans, programs, objectives or regulations by any agency incorporating general standards respecting open burning shall not be exempt.

(9) Variances under clean air act. The granting of variances under RCW 70.94.181 extending applicable air pollution control requirements for one year or less shall be exempt.

(10) Water quality certifications. The granting or denial of water quality certifications under the federal clean water act (Federal Water Pollution Control Act Amendments of 1972, 33 USC 1341) shall be exempt.

(11) Activities of the state legislature. All actions of the state legislature are exempted. This subsection does not exempt the proposing of legislation by an agency (197-11-900).

(12) Judicial activity. The following shall be exempt:

(a) All adjudicatory actions of the judicial branch.

(b) Any quasi-judicial action of any agency if such action consists of the review of a prior administrative or legislative decision. Decisions resulting from contested cases or other hearing processes conducted prior to the first decision on a proposal or upon any application for a rezoning, conditional use permit or other similar permit not otherwise exempted by this chapter, are not exempted by this subsection.

(13) Enforcement and inspections. The following enforcement and inspection activities shall be exempt:

(a) All actions, including administrative orders and penalties, undertaken to enforce a statute, regulation, ordinance, resolution or prior decision. No license shall be considered exempt by virtue of this subsection; nor shall the adoption of any ordinance, regulation or resolution be considered exempt by virtue of this subsection.

(b) All inspections conducted by an agency of either private or public property for any purpose.

(c) All activities of fire departments and law enforcement agencies except physical construction activity.

(d) Any action undertaken by an agency to abate a nuisance or to abate, remove or otherwise cure any hazard to public health or safety. The application of pesticides and chemicals is not exempted by this subsection but may be exempted elsewhere in these guidelines. No license or adoption of any ordinance, regulation or resolution shall be considered exempt by virtue of this subsection.

(e) Any suspension or revocation of a license for any purpose.

(14) Business and other regulatory licenses. The following business and other regulatory licenses are exempt:

(a) All licenses to undertake an occupation, trade or profession.

(b) All licenses required under electrical, fire, plumbing, heating, mechanical, and safety codes and regulations, but not including building permits.

(c) All licenses to operate or engage in amusement devices and rides and entertainment activities, including but not limited to cabarets, carnivals, circuses and other traveling shows, dances, music machines, golf courses, and theaters, including approval of the use of public facilities for temporary civic celebrations, but not including licenses or permits required for permanent construction of any of the above.

(d) All licenses to operate or engage in charitable or retail sales and service activities, including but not limited to peddlers, solicitors, second hand shops, pawnbrokers, vehicle and housing rental agencies, tobacco sellers, close out and special sales, fireworks, massage parlors, public garages and parking lots, and used automobile dealers.

(e) All licenses for private security services, including but not limited to detective agencies, merchant and/or residential patrol agencies, burglar and/or fire alarm dealers, guard dogs, locksmiths, and bail bond services.

(f) All licenses for vehicles for-hire and other vehicle related activities, including but not limited to taxicabs, ambulances, and tow trucks: PROVIDED, That regulation of common carriers by the utilities and transportation commission shall not be considered exempt under this subsection.

(g) All licenses for food or drink services, sales, and distribution, including but not limited to restaurants, liquor, and meat.



(h) All animal control licenses, including but not limited to pets, kennels, and pet shops. Establishment or construction of such a facility shall not be considered exempt by this subsection.

(i) The renewal or reissuance of a license regulating any present activity or structure so long as no material changes are involved.

(15) Activities of agencies. The following administrative, fiscal and personnel activities of agencies shall be exempt:

(a) The procurement and distribution of general supplies, equipment and services authorized or necessitated by previously approved functions or programs.

(b) The assessment and collection of taxes.

(c) The adoption of all budgets and agency requests for appropriation: **PROVIDED**, That if such adoption includes a final agency decision to undertake a major action, that portion of the budget is not exempted by this subsection.

(d) The borrowing of funds, issuance of bonds, or applying for a grant and related financing agreements and approvals.

(e) The review and payment of vouchers and claims.

(f) The establishment and collection of liens and service billings.

(g) All personnel actions, including hiring, terminations, appointments, promotions, allocations of positions, and expansions or reductions in force.

(h) All agency organization, reorganization, internal operational planning or coordination of plans or functions.

(i) Adoptions or approvals of utility, transportation and solid waste disposal rates.

(j) The activities of school districts pursuant to desegregation plans or programs; however, construction of real property transactions or the adoption of any policy, plan or program for such construction of real property transaction shall not be considered exempt under this subsection (see also 197-11-99001(7)).

(16) Financial assistance grants. The approval of grants or loans by one agency to another shall be exempt, although an agency may at its option require compliance with SEPA prior to making a grant or loan for design or construction of a project. This exemption includes agencies taking nonproject actions which are necessary to apply for federal or other financial assistance.

(17) Local improvement districts. The formation of local improvement districts, unless such formation constitutes a final agency decision to undertake construction of a structure or facility not exempted under 197-11-99001 and 197-11-99080.

(18) Information collection and research. Basic data collection, research, resource evaluation, requests for proposals (RFPs), and the conceptual planning of proposals shall be exempt. These may be for strictly information-gathering purposes, or as part of a study leading to a proposal which has not yet been approved, adopted or funded; this exemption does not include any agency action which commits the agency to proceed with such a proposal. (Also see 197-11-070.)

(19) Acceptance of filings. The acceptance by an agency of any document or thing required or authorized by law to be filed with the agency and for which the agency has no discretionary power to refuse acceptance shall be exempt. No license shall be considered exempt by virtue of this subsection.

(20) Procedural actions. The proposal or adoption of legislation, rules, regulations, resolutions or ordinances, or of any plan or program relating solely to governmental procedures, and containing no substantive standards respecting use or modification of the environment shall be exempt. Agency SEPA procedures shall be exempt.

(21) Building codes. The adoption by ordinance of all codes as required by the state building code act (chapter 19.27 RCW).

(22) Adoption of noise ordinances. The adoption by counties/cities of resolutions, ordinances, rules or regulations concerned with the control of noise which do not differ from regulations adopted by the department of ecology under chapter 70.107 RCW. When a county/city proposes a noise resolution, ordinance, rule or regulation, a portion of which differs from the applicable state regulations (and thus requires approval of the department of ecology under RCW 70.107.060(4)), SEPA compliance may be limited to those items which differ from state regulations.

(23) Review and comment actions. Any activity where one agency reviews or comments upon the actions of another agency or another department within an agency shall be exempt.

(24) Utilities. The utility-related actions listed below shall be exempt; however, installation or construction on or alteration of lands covered by water shall not be exempt for actions listed below. The exemption includes installation and construction, relocation when required by other governmental bodies, repair, replacement,

maintenance, operation or alteration which does not change the action from an exempt class.

(a) All communications lines, including cable TV, but not including microwave towers or relay stations.

(b) All storm water, water and sewer facilities, lines, equipment, hookups or appurtenances including, utilizing or related to lines eight inches or less in diameter.

(c) All electric facilities, lines, equipment or appurtenances, not including substations, with an associated voltage of 55,000 volts or less; and the overbuilding of existing distribution lines (55,000 volts or less) with transmission lines (more than 55,000 volts); and the under-grounding of all electric facilities, lines, equipment or appurtenances.

(d) All natural gas distribution (as opposed to transmission) lines and necessary appurtenant facilities and hookups.

(e) All developments within the confines of any existing electric substation, reservoir, pump station or well: **PROVIDED**, That additional appropriations of water are not exempted by this subsection.

(f) Periodic use of chemical or mechanical means to maintain a utility or transportation right of way in its design condition: **PROVIDED**, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(g) All grants of rights of way by agencies to utilities for use for distribution (as opposed to transmission) purposes.

(h) All grants of franchises by agencies to utilities.

(i) All disposals of rights of way by utilities.

(25) Natural resources management. In addition to the other exemptions contained in this section, the following natural resources management activities shall be exempt:

(a) All class I, II, III forest practices as defined by RCW 76.09.050 or regulations thereunder.

(b) Issuance of new grazing leases covering a section of land or less; and issuance of all grazing leases for land which has been subject to a grazing lease within the previous ten years.

(c) Licenses or approvals to remove firewood.

(d) Issuance of agricultural leases covering one hundred sixty contiguous acres or less.

(e) Issuance of leases for Christmas tree harvesting or brush picking.

(f) Issuance of leases for school sites.

(g) Issuance of leases for, and placement of, mooring buoys designed to serve pleasure craft.

(h) Development of recreational sites not specifically designed for all-terrain vehicles and not including more than twelve campsites.

(i) Periodic use of chemical or mechanical means to maintain public park and recreational land: **PROVIDED**, That chemicals used are approved by the Washington state department of agriculture and applied by licensed personnel. This exemption shall not apply to the use of chemicals within watersheds which are controlled for the purpose of drinking water quality in accordance with WAC 248-54-660.

(j) Issuance of rights of way, easements and use permits to use existing public roads in nonresidential areas.

#### NEW SECTION

WAC 197-11-99010 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES. The exemptions in 197-11-99020 through 197-11-99075 relate only to the specific activities identified within the named agencies. These exemptions are in addition to the preceding sections of this part and are subject to the rules and limitations of 197-11-320. The categorical exemptions in 197-11-99001 apply to all agencies, including those named in 197-11-99020 through 197-11-99075 unless the general exemptions are specifically made inapplicable by one of the following exemptions.

#### NEW SECTION

WAC 197-11-99020 DEPARTMENT OF LICENSING. All licenses required under programs administered by the department of licensing as of December 12, 1975 are exempted, except the following:

(1) Camping club promotional permits under chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses under chapter 46.80 RCW; 197-11-99001(14)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

NEW SECTION

WAC 197-11-99025 DEPARTMENT OF LABOR AND INDUSTRIES. All licenses required under programs administered by the department of labor and industries as of December 12, 1975 are exempted, except the issuance of any license for the manufacture of explosives or the adoption or amendment by the department of any regulations incorporating general standards respecting the issuance of licenses authorizing the storage of explosives under chapter 70.74 RCW. The adoption of any industrial health or safety regulations containing noise standards shall be considered a major action under this chapter.

NEW SECTION

WAC 197-11-99030 DEPARTMENT OF NATURAL RESOURCES. The following actions and licenses of the department of natural resources are exempted:

- (1) Forest closures, shutdowns and permit suspensions due to extreme unusual fire hazards.
- (2) Operating permits to use power equipment on forest land.
- (3) Permits to use fuse on forest land.
- (4) Log patrol licenses.
- (5) Permits for drilling for which no public hearing is required under RCW 79.76.070 (geothermal test drilling).
- (6) Permits for the dumping of forest debris and wood waste in forested areas.
- (7) All timber sales.
- (8) Leases for mineral prospecting under RCW 79.01.616 or 79.01.652, but not including issuance of subsequent contracts for mining.

NEW SECTION

WAC 197-11-99035 DEPARTMENT OF FISHERIES. The following activities of the department of fisheries are exempted:

- (1) The establishment of seasons, catch limits or geographical areas for fishing or shellfish removal.
- (2) All hydraulic project approvals (RCW 75.20.100) for activities incidental to a class I, II, III forest practice as defined in RCW 76.09-.050 or regulations thereunder.
- (3) Hydraulic project approvals where there is no other agency with jurisdiction (besides the department of game) requiring a nonexempt permit, except for proposals involving removal of fifty or more cubic yards of streambed materials or involving realignment into a new channel. For purposes of this paragraph, the term new channel shall not include existing channels which have been naturally abandoned within the twelve months previous to the hydraulic permit application.
- (4) All clam farm licenses and oyster farm licenses, except where cultural practices include structures occupying the water column or where a hatchery or other physical facility is proposed for construction on adjoining uplands.
- (5) All other licenses (other than those excepted in (2) and (3) above) authorized to be issued by the department as of December 12, 1975 except the following:
  - (a) Fish farming license, or other licenses allowing the cultivation of aquatic animals for commercial purposes;
  - (b) Licenses for the mechanical and/or hydraulic removal of clams, including geoducks; and,
  - (c) Any license authorizing the discharge of explosives in water. WAC 197-11-99001(14)(i) shall apply to allow possible exemption of renewals of the above licenses.
- (6) The routine release of hatchery fish or the reintroduction of endemic or native species into their historical habitat where only minor documented effects on other species will occur.

NEW SECTION

WAC 197-11-99040 DEPARTMENT OF GAME. The following activities of the department of game are exempted:

- (1) The establishment of hunting, trapping or fishing seasons, bag or catch limits, and geographical areas where such activities are permitted.
- (2) The issuance of falconry permits.
- (3) The issuance of all hunting or fishing licenses, permits or tags.
- (4) Artificial game feeding.
- (5) The issuance of scientific collector permits.
- (6) All hydraulic project approvals (RCW 75.20.100) for activities incidental to a class I, II, III forest practice as defined in RCW 76.09-.050 and regulations thereunder.

(7) Hydraulic project approvals where there is no other agency with jurisdiction (besides the department of fisheries) requiring a nonexempt permit, except for proposals involving removal of fifty or more cubic yards of streambed materials involving realignment into a new channel. For purposes of this paragraph, the term new channel shall not include existing channels which have been naturally abandoned within the twelve months previous to the hydraulic permit application.

(8) The routine release of hatchery fish or the reintroduction of endemic or native species into their historical habitat, where only minor documented effects on other species will occur.

NEW SECTION

WAC 197-11-99045 DEPARTMENT OF SOCIAL AND HEALTH SERVICES. All actions under programs administered by the department of social and health services as of December 12, 1975, are exempted, except the following:

(1) The adoption or amendment by the department of any regulations incorporating general standards for issuance of licenses authorizing the possession, use and transfer of radioactive source material under RCW 70.98.080, except that the issuance, revocation or suspension of individual licenses thereto shall be exempt. However, licenses to operate low level burial facilities or licenses to operate or expand beyond design capacity, mineral processing facilities or their tailings areas whose products or byproducts have concentrations of naturally occurring radioactive materials in excess of exempt concentrations, as specified in WAC 402-20-250, shall not be exempt.

(2) The approval of a comprehensive plan for public water supply systems servicing one thousand or more units under WAC 248-54-580.

(3) The approval of engineering reports or plans and specifications under WAC 248-54-590 and 248-54-600, for all surface water source development, all water system storage facilities greater than one-half million gallons, new transmission lines longer than one thousand feet located in new rights of way and major extensions to existing water distribution systems.

(4) The approval of an application for a certificate of need under RCW 70.38.120 for construction of a new hospital or medical facility or for major additions to existing service capacity of such institutions.

(5) The approval of an application for any system of sewerage and/or water general plan or amendments under RCW 36.94.100.

(6) The approval of any plans and specifications for new sewage treatment works or major extensions to existing sewer treatment works submitted to the department under WAC 248-92-040.

(7) The construction of any building, facility or other installation not exempt by 197-11-99001 for the purpose of housing department personnel, or fulfilling statutorily directed or authorized functions (e.g., prisons).

(8) The approval of any final plans for construction of a nursing home pursuant to WAC 248-14-100, construction of a private psychiatric hospital pursuant to WAC 248-22-005 or construction of an alcoholism treatment center pursuant to WAC 248-22-510.

NEW SECTION

WAC 197-11-99050 DEPARTMENT OF AGRICULTURE. All actions under programs administered by the department of agriculture as of December 12, 1975 are exempted, except for the following:

(1) The approval of any application for a commercial registered feedlot under RCW 16.58.040 or chapters 16-28 and 16-30 WAC.

(2) The issuance or amendment of any regulation respecting restricted-use pesticides under chapter 15.58 RCW, that would have the effect of allowing the use of a previously prohibited use pesticide.

(3) The removal of any pesticide from the list of restricted-use pesticides established in WAC 16-228-155 so as to permit sale of such pesticides to home and garden users.

(4) The removal of any pesticide from the list of highly toxic and restricted-use pesticides established under WAC 16-228-165 so as to authorize sale of such pesticides to persons not holding an annual user permit, an applicator certificate, or an applicator operator license.

(5) The removal of any pesticide from the category of highly toxic pesticide formulations established in WAC 16-228-165 so as to permit the sale of such pesticides by persons not possessing a pesticide dealer's license.

(6) The approval of any use of the pesticide DDT or DDD.

(7) The issuance of a license to operate a public livestock market under RCW 16.65.030.

(8) The provisions of WAC 197-11-99001(14)(i) shall apply to allow possible exemption of renewals of the licenses in (1) through (7) above.

#### NEW SECTION

WAC 197-11-99055 DEPARTMENT OF ECOLOGY. The following activities of the department of ecology shall be exempt:

(1) The issuance, reissuance or modification of any waste discharge permit which contains conditions no less stringent than federal effluent limitations and state rules and regulations. This exemption shall apply to existing discharges only and shall not apply to any new source discharges.

(2) Review of comprehensive solid waste management plans under RCW 70.95.100 and 70.95.110.

#### NEW SECTION

WAC 197-11-99060 DEPARTMENT OF TRANSPORTATION. The following activities of the department of transportation shall be exempt:

(1) Approval of the Annual Highway Safety Work Program involving the highway-related safety standards pursuant to 23 USC 402;

(2) Issuance of road approach permits and right of way rental agreements;

(3) Establishment and changing of speed limits of 55 miles per hour or less;

(4) Revisions of existing access control involving a single property owner;

(5) Issuance of a "Motorist Information Signing Permit," granting a private business person the privilege of having a sign on highway right of way which informs the public of the availability of his or her services;

(6) Issuance of permits for special units relative to state highways;

(7) Issuance of permits for the movement of over-legal size and weight vehicles on state highways;

(8) Issuance of encroachment permits for road approaches, fences and landfills on highway right of way; and

(9) Issuance of permits for utility occupancy of highway rights of way for use for distribution (as opposed to transmission).

#### NEW SECTION

WAC 197-11-99065 UTILITIES AND TRANSPORTATION COMMISSION. All actions of the utilities and transportation commission under programs administered as of December 12, 1975, are exempted, except the following:

(1) Issuance of common carrier motor freight authority under chapter 81.80 RCW, which would authorize a new service, or extend an existing transportation service in the fields of general freight (other than local cartage), petroleum and petroleum products in bulk in tank type vehicles, radioactive substances, explosives, or corrosives;

(2) Authorization of the openings or closing of any highway/railroad grade crossing, or the direction of physical connection of the line of one railroad with that of another;

(3) Regulation of oil and gas pipelines under chapter 81.88 RCW; and

(4) The approval of utility and transportation rates where the funds realized as a result of such approved rates will or are intended to finance construction of a project, approval of which would not be otherwise exempt under 197-11-99001, and where at the time of such rate approval no responsible official of any state or federal agency has conducted the environmental analysis prescribed by this chapter or the appropriate provisions of NEPA, whichever is applicable.

#### NEW SECTION

WAC 197-11-99070 DEPARTMENT OF COMMERCE AND ECONOMIC DEVELOPMENT. The following activities of the department of commerce and economic development shall be exempt:

(1) The provisions of business consulting and advisory services which shall include tourist promotion under RCW 43.31.050.

(2) The promotion and development of foreign trade under RCW 43.31.370.

(3) The furnishing of technical and information services under RCW 43.31.060.

(4) The provision of technical assistance to applicants for grants and aid and/or loans and for tax deferrals by the Economic Assistance Authority under chapter 43.31A RCW.

(5) The conduct of research and economic analysis under RCW 43.31.070, including the provision of consulting and advisory services and recommendations to state and local officials, agencies and governmental bodies as authorized under RCW 43.31.160, 43.31.200 and 43.31.210.

#### NEW SECTION

WAC 197-11-99075 OTHER AGENCIES. Except for building construction (the majority of which is undertaken through the department of general administration), all activities of the following state agencies under programs they administer as of December 12, 1975, are exempted:

(1) Office of the attorney general.

(2) Office of the auditor.

(3) Department of employment security.

(4) Office of the insurance commissioner and state fire marshal.

(5) Department of personnel.

(6) Department of printing.

(7) Department of revenue.

(8) Office of the secretary of state.

(9) Office of the treasurer.

(10) Arts commission.

(11) Washington state patrol.

(12) Interagency committee for outdoor recreation.

(13) Department of emergency services.

(14) Department of general administration, division of banking and division of savings and loan associations.

(15) Forest practices appeals board.

(16) Public employees' retirement system.

(17) Law enforcement officers' and fire fighters' retirement board.

(18) Volunteer fireman's retirement system board.

(19) State department of retirement systems.

(20) Teachers' retirement system board.

(21) Higher education personnel board.

(22) Commission for vocational education.

#### NEW SECTION

WAC 197-11-99080 EMERGENCIES. Actions which must be undertaken immediately or within a time too short to allow full compliance with this chapter, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt. Agencies may specify these emergency actions in their procedures.

#### NEW SECTION

WAC 197-11-99090 PETITIONING DOE TO CHANGE EXEMPTIONS. (1) Except for the preceding section, agencies may create additional exemptions in their procedures only after receiving approval from the department of ecology under this section.

(2) An agency may petition the department to adopt additional exemptions or to delete existing exemptions by amending these rules. The petition shall be made under RCW 34.04.060. The petition shall state the language of the requested amendment, the petitioning agency's views on the environmental impacts of the activities covered by the proposed amendment, and the approximate number of actions of this type which have come before the petitioning agency over a particular period of time. The department shall consider and decide upon a petition within thirty days of receipt. If the determination is favorable, the department shall begin rulemaking under chapter 34.04 RCW. Any resulting amendments will apply either generally or to specified classes of agencies. Affected agencies shall amend their procedures accordingly.

(3) An agency may also petition the department for an immediate ruling upon any request to add, delete, or change an exemption. If such a petition is granted, the department will notify the petitioning agency, which may immediately include the change approved by the department in its own procedures. The department may thereafter begin rulemaking proceedings to amend these rules. Until these rules are amended, any change granted under this subsection shall apply only to the petitioning agency or agencies.

(4) The department will provide public notice of any proposed amendments to these rules in the manner required by the administrative procedure act, chapter 34.04 RCW. A copy of all approvals by the

department under the preceding subsection shall be given to any person requesting the department for advance notice of rulemaking.

#### PART TEN – AGENCY COMPLIANCE

##### NEW SECTION

WAC 197-11-99101 PURPOSE OF THIS PART. The purpose of this Part is to:

- (1) Require each agency to adopt its own rules and procedures to carry out SEPA and ensure that agency rules and procedures shall have the force and effect of law and shall be consistent with these uniform statewide rules.
- (2) Require agencies to include certain items in their rules.
- (3) Ensure the documents prepared under the act are available to the public.
- (4) Identify agencies with environmental expertise.
- (5) Provide rules for determining the lead agency.

##### NEW SECTION

WAC 197-11-99110 AGENCY SEPA POLICIES. (1) The act and these rules allow agencies to condition or deny proposals if such action is based upon policies identified by the appropriate governmental authority. These policies must be incorporated into regulations, plans, or codes formally designated by the agency (or appropriate legislative body, in the case of local government) as possible bases for the exercise of substantive authority under SEPA. (RCW 43.21C.060; 197-11-720.) State and local policies so designated are called "agency SEPA policies" in these rules.

(2) Agencies are required to designate their SEPA policies within one hundred eighty days after the effective date of these rules (or the creation of the agency). In order to condition or deny a proposal, an agency must comply with the provisions of RCW 43.21C.060 and 197-11-720. If an agency has already formally designated agency SEPA policies that meet the requirements of the act and these rules, the agency is not required to adopt them again. Agencies may revise or add to their SEPA policies at any time. Although agency SEPA procedures cannot change the provisions of these rules concerning substantive authority and mitigation (197-11-99122(2)), agency SEPA policies are encouraged to identify specific mitigation measures or techniques.

(3) Agencies are required by these rules to prepare a document which includes or references by citation their agency SEPA policies (197-11-720(3)). This document may be included in agency SEPA procedures (197-11-99120). Public notice and opportunity for public comment shall be provided as part of the agency process for formally designating its SEPA policies.

(4) Depending on their content, the formal designation of agency SEPA policies will not necessarily require any environmental review and will normally be categorically exempt as a procedural action under 197-11-99001(20). For example, the policies may merely compile, reorganize, or reference laws or policies currently on the books, or may otherwise be procedural in nature, such as requiring decisionmakers to consider certain factors.

##### NEW SECTION

WAC 197-11-99120 AGENCY SEPA PROCEDURES. (1) Each agency is required by the act and this section to adopt its own rules and procedures for implementing SEPA. (RCW 43.21C.120.) Agencies may revise or add to their SEPA procedures at any time. Agencies may adopt these rules (chapter 197-11 WAC) by reference, and shall meet the requirements of 197-11-99122 concerning the content of their procedures. State and local rules for carrying out SEPA procedures are called "agency SEPA procedures."

(2) State agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of an agency, whichever shall occur later. State agencies shall adopt their procedures by rule-making under the state administrative procedure act, chapter 34.04 RCW. If a state agency does not have rule-making authority under chapter 34.04 RCW, the agency shall adopt procedures under whatever authority it has, and public notice and opportunity for public comment shall be provided. Adoption shall be deemed

to have taken place at the time the transmittal of adopted rules is filed with the code reviser. Universities, colleges, and community colleges shall use the procedures of chapter 28B.19 RCW in adopting procedures.

(3) Local agencies shall adopt or amend their procedures within one hundred eighty days of the effective date of this chapter or subsequent revisions, or within one hundred eighty days of the establishment of the local governmental entity, whichever shall occur later. Local agencies shall adopt their procedures by rule, ordinance, or resolution, whichever is appropriate, to ensure that the procedures have the full force and effect of law. Public notice and opportunity for public comment shall be provided as part of the agency's process for adopting its SEPA procedures.

(4) Any agency determining that all actions it is authorized to take are exempt under Part 9 of these rules may adopt a statement to the effect that it has reviewed its authorized activities and found them all to be exempt under this chapter. Adoption of such a statement under the procedures in subsections (2) and (3) shall be deemed to be in compliance with the requirement that the agency adopt procedures under this chapter.

(5) The adoption of agency procedures is procedural and shall be categorically exempt under this chapter (197-11-99001(20)).

##### NEW SECTION

WAC 197-11-99122 CONTENT AND CONSISTENCY OF AGENCY PROCEDURES. (1) (a) Agency SEPA policies and procedures shall implement and be consistent with the rules in this chapter. Unless optional or permissive (see 197-11-815), all of the provisions of this chapter are mandatory, and agency procedures shall incorporate these rules and criteria.

(b) Permissive and optional rules shall not be construed as mandatory requirements. Rules giving encouragement or guidance shall also not be construed as mandatory. The decision on whether to apply an optional provision rests with the responsible official.

(c) Except as stated in the next subsection, the rules in this chapter are not exclusive, and agencies may add procedures and criteria. However, any additional material shall not be inconsistent with, contradict, or make compliance with any provision of these rules a practical impossibility. Any additional material shall be consistent with SEPA.

(d) Agency procedures shall also include the procedures required by sections 055(3)(a), 055(4), 420(1), 420(4), 950, and 99130.

(e) Agency procedures may include procedures under 055(2), 055(7), 100(4), 750(6), 750(8), 825(2), 99001(1), and 99125. Any such procedures shall include the content required by those rules.

(2) The following provisions of this chapter are exclusive and may not be added to or changed in agency procedures:

- (a) The definition of terms referred to in 197-11-305;
- (b) The definitions of "categorical exemption," "agencies with jurisdiction," "lands covered by water," "built environment," "natural environment," "license," "licensing," "mitigation," and "scope;"

(c) The criteria for lead agency determination (Part 10 of these rules);

(d) The categorical exemptions in Part 9 of these rules, unless expressly allowed under Part 9;

(e) The information allowed to be required of applicants under 197-11-080, 197-11-100, 197-11-320, 197-11-330, and 197-11-420;

(f) The requirements for the style and size of an EIS (197-11-425);

(g) The list of elements of the environment (197-11-444); and

(h) The provisions on substantive authority and mitigation in 197-11-720.

(3) The following provisions of this chapter may not be changed, but may be added to; any additions shall meet the criteria for additional material stated in (1)(c) of this section:

- (a) All other definitions in Part 8 of these rules;
- (b) The provisions in Parts 4 and 5 of these rules, except as necessary to be grammatically incorporated into agency procedures;
- (c) The contents of agency SEPA procedures (197-11-99122); and
- (d) The list of agencies with environmental expertise (197-11-99190).

(4) The forms in Part 11 shall be used substantially as set forth. Minor changes are allowed to make the forms more useful to agencies, applicants, and the public, as long as the changes do not eliminate requested information or impose burdens on applicants. The questions in part two of the environmental checklist shall not be altered.

NEW SECTION

**WAC 197-11-99125 ENVIRONMENTALLY SENSITIVE AREAS.** (1) Each county/city may at its option designate areas within its jurisdiction which are environmentally sensitive areas, and shall adopt such designation in its agency SEPA procedures (197-11-99122). Environmentally sensitive areas shall be those within which the exemptions listed in the next subsection could have a significant adverse environmental impact, including but not limited to areas with unstable soils, steep slopes, unusual or unique plants or animals, or areas which lie within floodplains. The location and extent of all environmentally sensitive areas shall be clearly indicated on a map which shall be adopted by reference as part of the SEPA procedures of the county/city.

(2) Each county/city which designates and maps an environmentally sensitive area may select certain categorical exemptions which do not apply within the area. The selection of exemptions that will not apply may be made from the following subsections of 197-11-99001: (1), (2) (a) through (h), (3), (5), (6)(a), (14)(c), (24) (a) through (g), and (25)(d), (f), (h), (i). All other categorical exemptions apply whether or not the proposal will be located within an environmentally sensitive area. Exemptions selected by an agency which do not apply within the various environmentally sensitive areas shall be listed within the SEPA procedures of any county/city adopting such areas.

(3) Proposals which will be located within environmentally sensitive areas are to be treated no differently than other proposals under this chapter, except as stated in the prior subsection. A threshold determination shall be made for all such actions, and an EIS shall not be automatically required for a proposal merely because it is proposed for location in an environmentally sensitive area.

(4) Certain categorical exemptions do not apply on lands covered by water, and this remains true regardless of whether or not lands covered by water are mapped.

NEW SECTION

**WAC 197-11-99130 DESIGNATION OF RESPONSIBLE OFFICIAL.** Agency SEPA procedures shall designate or provide a method of designating the responsible official with speed and certainty (197-11-99122 (1)(d)). This designation may vary depending upon the nature of the proposal. The responsible official shall carry out the duties and functions of the agency when it is acting as the lead agency under these guidelines. Since it is possible under these rules for an agency to be acting as a lead agency prior to actually receiving an application for a license to undertake a private project, designation of the first department within the agency to receive an application as the responsible official will not be sufficient.

NEW SECTION

**WAC 197-11-99140 PROCEDURES ON CONSULTED AGENCIES.** Each agency shall develop internal procedures, manuals, or guidance for providing responses to consultation requests from other agencies pertaining to threshold investigations, the scoping process, or EISs. Such procedures shall ensure that the agency will comply with the requirements of Part 4 of these rules. It is recommended that these procedures be integrated within existing procedures of investigating license applications when the consulted agency is also an acting agency.

NEW SECTION

**WAC 197-11-99150 SEPA FEES AND COSTS.** Except for the costs allowed by this chapter (see, for example, sections 197-11-080, 197-11-100, 197-11-350 (4)(a), 197-11-420 (4), 197-11-440 (2)(m), 197-11-504, 197-11-508, 197-11-570, 197-11-640 (6)(b) pertaining to the cost of preparing environmental documents), these rules neither authorize nor prohibit the imposition of fees to cover the costs of SEPA compliance.

NEW SECTION

**WAC 197-11-99160 APPLICATION TO ONGOING ACTIONS.** (1) Agency SEPA procedures shall apply to any proposal made after the effective date of the agency SEPA procedures of the lead agency or the agency proposing the action. Agencies are required to adopt SEPA procedures no later than one hundred eighty days after the effective date of these rules or subsequent revisions (197-11-99120), and these rules apply if agencies fail to do so (197-11-99170).

(2) For proposals made before the effective date of revised agency SEPA procedures, agency SEPA procedures shall apply to those elements of SEPA compliance to be initiated after the procedures went into effect. Agency procedures adopted under RCW 43.21C.120 and these rules shall not be applied to invalidate or require modification of any threshold determination, EIS or other element of SEPA compliance undertaken or completed before the effective date of the procedures of the lead agency or of the agency proposing the action.

(3) Agencies are responsible for compliance with any statutory requirements that went into effect before the adoption of these rules and agency SEPA procedures (for example, the statutory requirements for appeals).

NEW SECTION

**WAC 197-11-99170 LACK OF AGENCY PROCEDURES.** If an agency fails to adopt rules, ordinances, resolutions, or regulations implementing SEPA within the time periods required by RCW 43.21C.120, the rules in this chapter shall be applied as practicable to the actions of such agency.

NEW SECTION

**WAC 197-11-99190 AGENCIES WITH ENVIRONMENTAL EXPERTISE.** The following agencies shall be regarded as possessing special expertise relating to those categories of the environment under which they are listed:

- (1) Air quality.
  - (a) Department of ecology.
  - (b) Department of natural resources (only for burning in forest areas).
  - (c) Department of social and health services.
  - (d) Regional air pollution control authority or agency.
  - (2) Water resources and water quality.
    - (a) Department of game.
    - (b) Department of ecology.
    - (c) Department of natural resources (state-owned tidelands, harbor areas or beds of navigable waters).
    - (d) Department of social and health services (public water supplies, sewer systems, shellfish habitats).
    - (e) Department of fisheries.
    - (3) Hazardous and toxic substances (including radiation).
      - (a) Department of ecology.
      - (b) Department of social and health services.
      - (c) Department of agriculture (foods or pesticides).
      - (d) Department of fisheries (introduction into waters).
      - (4) Solid and hazardous waste.
        - (a) Department of ecology.
        - (b) Department of fisheries (dredge spoils).
        - (c) Department of social and health services.
        - (5) Fish and wildlife.
          - (a) Department of game.
          - (b) Department of fisheries.
          - (6) Natural resources development.
            - (a) Department of commerce and economic development.
            - (b) Department of ecology.
            - (c) Department of natural resources.
            - (d) Department of fisheries.
            - (e) Department of game.
            - (7) Energy production, transmission and consumption.
              - (a) Department of commerce and economic development (office of nuclear energy development—nuclear).
              - (b) Department of ecology.
              - (c) Department of natural resources (geothermal, coal, uranium).
              - (d) State energy office.
              - (e) Energy facility site evaluation council (thermal power plants).
              - (f) Utilities and transportation commission.
              - (8) Land use and management.
                - (a) Department of commerce and economic development.
                - (b) Department of ecology.
                - (c) Department of fisheries (affecting surface or marine waters).
                - (d) Department of natural resources (tidelands or state-owned or managed lands).
                - (e) Planning and community affairs agency.
                - (9) Noise.
                  - (a) Department of ecology.
                  - (b) Department of social and health services.
                  - (10) Recreation.

- (a) Department of commerce and economic development.
- (b) Department of game.
- (c) Department of fisheries.
- (d) Parks and recreation commission.
- (e) Department of natural resources.
- (11) Archaeological/historical.
  - (a) Office of archaeology and historic preservation.
  - (b) Washington state university at Pullman (Washington archaeological research center).
- (12) Transportation.
  - (a) Department of transportation.
  - (b) Utilities and transportation commission.

**NEW SECTION**

WAC 197-11-99201 LEAD AGENCY RULES. The rules for deciding when and how an agency is the lead agency (197-11-050) are contained in this part. The method and criteria for lead agency selection are in 197-11-99203. Lead agency rules for different types of proposals as well as for specific proposals are in 197-11-99205 through 197-11-99235. Rules for interagency agreements are in 197-11-99240 through 197-11-99245. Rules for asking the department of ecology to resolve lead agency disputes are in 197-11-99260. Rules for the assumption of lead agency status by another agency with jurisdiction are in 197-11-99270.

**NEW SECTION**

WAC 197-11-99203 DETERMINING THE LEAD AGENCY.

(1) The first agency receiving or initiating a nonexempt proposal shall determine the lead agency for that proposal, unless the lead agency has been previously determined, or the agency receiving the proposal is aware that another agency is determining the lead agency. The lead agency shall be determined by using the criteria in 197-11-99205 through 197-11-99245.

(2) If an agency determines that another agency is the lead agency, it shall mail to such lead agency a copy of the application it received, together with its determination of lead agency and an explanation. If the agency receiving this determination agrees that it is the lead agency, it shall notify the other agencies with jurisdiction. If it does not agree, and the dispute cannot be resolved by agreement, the agencies shall immediately petition the department of ecology for a lead agency determination under 197-11-99260.

(3) Any agency receiving a lead agency determination to which it objects shall either resolve the dispute, withdraw its objection, or petition the department for a lead agency determination within fifteen days of receiving the determination.

(4) An applicant may also petition the department to resolve the lead agency dispute under 197-11-99260.

(5) To make the lead agency determination, an acting agency must determine to the best of its ability the scope of the proposal and other agencies with jurisdiction over some or all of the proposal. This can be done by:

- (a) Describing or requiring an applicant to describe the main features of the proposal;
- (b) Reviewing the list of agencies with expertise;
- (c) Contacting potential agencies with jurisdiction either orally or in writing.

**NEW SECTION**

WAC 197-11-99205 LEAD AGENCY FOR GOVERNMENTAL PROPOSALS. (1) The lead agency for all proposals initiated by an agency shall be the agency making that proposal. In the event that two or more agencies share in the implementation of a proposal, the agencies shall by agreement determine which agency will be the lead agency. For the purposes of this section, a proposal by an agency does not include proposals to license private activity.

(2) Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal.

**NEW SECTION**

WAC 197-11-99210 LEAD AGENCY FOR PUBLIC AND PRIVATE PROPOSALS. When the proposal involves both private and public activities, it shall be characterized as either a private or a public project for the purposes of lead agency designation, depending upon whether the primary sponsor or initiator of the project is an agency or from the private sector. Any project in which agency and

private interests are too intertwined to make this characterization shall be considered a public project. The lead agency for all public projects shall be determined under 197-11-99205.

**NEW SECTION**

WAC 197-11-99215 LEAD AGENCY FOR PRIVATE PROJECTS WITH ONE AGENCY WITH JURISDICTION. For proposed private projects for which there is only one agency with jurisdiction, the lead agency shall be the agency with jurisdiction.

**NEW SECTION**

WAC 197-11-99220 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY. For proposals for private projects which require nonexempt licenses from more than one agency, when at least one of the agencies requiring such a license is a county/city, the lead agency shall be that county/city within whose jurisdiction is located the greatest portion of the proposed project area, as measured in square feet. For the purposes of this section, the jurisdiction of a county shall not include the areas within the limits of cities or towns within such county.

**NEW SECTION**

WAC 197-11-99222 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM A LOCAL SPECIAL DISTRICT (NOT A COUNTY/CITY) AND ONE OR MORE STATE AGENCY. When a proposed private project requires nonexempt licenses only from a local special district and one or more state agencies, the lead agency shall be the local special district.

**NEW SECTION**

WAC 197-11-99225 LEAD AGENCY FOR PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY. (1) For private projects which require licenses from more than one state agency, but require no license from a county/city, the lead agency shall be one of the state agencies requiring a license, based upon the following order of priority:

- (a) Department of ecology.
- (b) Department of social and health services.
- (c) Department of natural resources.
- (d) Department of fisheries.
- (e) Department of game.
- (f) Utilities and transportation commission.
- (g) Department of motor vehicles.
- (h) Department of labor and industries.

(2) When none of the state agencies requiring a license is on the above list, the lead agency shall be the licensing agency which has the largest biennial appropriation.

(3) When, under subsection (1), an agency would be the lead agency solely because of its involvement in a program jointly administered with another agency, the other agency shall be designated the lead agency for proposals for which it is primarily responsible under agreements previously made between the two agencies for joint operation of the program.

**NEW SECTION**

WAC 197-11-99230 LEAD AGENCIES FOR SPECIFIC PROPOSALS. Notwithstanding the lead agency designation criteria contained in 197-11-99205 through 197-11-99125, the lead agency for proposals within the areas listed below shall be as follows:

(1) For all governmental actions relating to energy facilities for which certification is required under chapter 80.50 RCW, the lead agency shall be the energy facility site evaluation council (EFSEC); however, for any public project requiring such certification and for which the study under RCW 80.50.175 will not be made, the lead agency shall be the agency initiating the project.

(2) For all private projects relating to the use of geothermal resources under chapter 79.76 RCW, the lead agency shall be the department of natural resources.

(3) For all private projects requiring a license or other approval from the oil and gas conservation committee under chapter 78.52 RCW, the lead agency shall be the department of natural resources; however, for projects under RCW 78.52.125, the EIS shall be prepared in accordance with that section.

(4) For all private activity requiring a license or approval under the Forest Practices Act of 1974, chapter 76.09 RCW, the lead agency shall be the department of natural resources; however, for any proposal which will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the lead agency shall be the county/city requiring the license.

(5) For all private projects requiring a license or lease to use or affect state lands, the lead agency shall be the state agency managing the lands in question; however, this subsection shall not apply to the sale or lease of state-owned tidelands, harbor areas or beds of navigable waters, when such sale or lease is incidental to a larger project for which one or more licenses from other state or local agencies is required.

(6) For all proposals which are being processed under the Environmental Coordination Procedures Act of 1973 (ECPA), chapter 90.62 RCW, the lead agency shall be determined under the standards of these rules.

(7) For a pulp or paper mill or oil refinery not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology, when a National Pollutant Discharge Elimination System (NPDES) permit is required under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(8) For proposals to construct a pipeline greater than six inches in diameter and fifty miles in length, used for the transportation of crude petroleum or petroleum fuels or oil or derivatives thereof, or for the transportation of synthetic or natural gas under pressure not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(9) For proposals that will result in an impoundment of water with a water surface in excess of forty acres, the lead agency shall be the department of ecology.

(10) For proposals to construct facilities on a single site designed for, or capable of, storing a total of one million or more gallons of any liquid fuel not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(11) For proposals to construct any new oil refinery, or an expansion of an existing refinery that shall increase capacity by ten thousand barrels per day or more not under the jurisdiction of EFSEC, the lead agency shall be the department of ecology.

(12) For proposals to construct any new metallic mineral processing plant, or to expend any such existing plant by ten percent or more of design capacity, the lead agency shall be the department of ecology.

(13) For proposals to construct, operate, or expand any uranium or thorium mill, any tailings areas generated by uranium or thorium milling or any low-level radioactive waste burial facilities, the lead agency shall be the department of social and health services.

#### NEW SECTION

WAC 197-11-99235 TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY. For any proposal for a private project where a city or town with a population of under five thousand or a county of fifth through ninth class would be the lead agency under 197-11-99210 through 197-11-99230, and when one or more state agencies are agencies with jurisdiction over the proposal, such local agency may at its option transfer the lead agency duties to that state agency with jurisdiction appearing first on the priority listing in 197-11-99225. In such event, the state agency so determined shall be the lead agency and the agency making the transfer shall be an agency with jurisdiction. Transfer is accomplished by the county, city or town transmitting a notice of the transfer together with any relevant information it may have on the proposal to the appropriate state agency with jurisdiction. The local agency making the transfer shall also give notice of the transfer to any private applicant and other agencies with jurisdiction involved in the proposal.

#### NEW SECTION

WAC 197-11-99240 AGREEMENTS ON LEAD AGENCY STATUS. Any agency may assume lead agency status if all agencies with jurisdiction agree.

#### NEW SECTION

WAC 197-11-99245 AGREEMENTS ON DIVISION OF LEAD AGENCY DUTIES. Two or more agencies may by agreement share or divide the responsibilities of lead agency through any arrangement agreed upon. In such event, however, the agencies involved

shall designate one of them as the nominal lead agency, which shall be responsible for complying with the duties of the lead agency under these rules. Other agencies with jurisdiction shall be notified of the agreement and determination of the nominal lead agency.

#### NEW SECTION

WAC 197-11-99260 DOE RESOLUTION OF LEAD AGENCY DISPUTES. (1) If the agencies with jurisdiction are unable to determine which agency is the lead agency under the rules, any agency with jurisdiction may petition the department for a determination. The petition shall clearly describe the proposal in question, and include a list of all licenses and approvals required for the proposal. The petition shall be filed with the department within fifteen days after receipt by the petitioning agency of the determination to which it objects. Copies of the petition shall be mailed to any applicant involved, as well as to all other agencies with jurisdiction over the proposal. The applicant and agencies with jurisdiction may file with the department a written response to the petition within ten days of the date of the initial filing.

(2) Within fifteen days of receipt of a petition, the department shall make a written determination of the lead agency, which shall be mailed to the applicant and all agencies with jurisdiction. The department shall make its determination in accordance with these rules and considering the following factors (which are listed in order of descending importance):

- (a) Magnitude of an agency's involvement.
- (b) Approval/disapproval authority over the proposal.
- (c) Expertise concerning the proposal's impacts.
- (d) Duration of an agency's involvement.
- (e) Sequence of an agency's involvement.

#### NEW SECTION

WAC 197-11-99270 ASSUMPTION OF LEAD AGENCY STATUS. (1) An agency with jurisdiction over a proposal, upon review of a DNS (197-11-350) may transmit to the initial lead agency a completed "Notice of Assumption of Lead Agency Status." This notice shall be substantially similar to the form in 197-11-99370. Assumption of lead agency status shall occur only within fifteen days of issuance of a DNS.

(2) The DS by the new lead agency shall be based only upon information contained in the environmental checklist attached to the DNS transmitted by the first lead agency and any other information the new lead agency has on the matters contained in the environmental checklist.

(3) Upon transmitting the DS and notice of assumption of lead agency status, the consulted agency with jurisdiction shall become the "new" lead agency and shall expeditiously prepare an EIS. In addition, all other responsibilities and authority of a lead agency under this chapter shall be transferred to the new lead agency.

#### NEW SECTION

WAC 197-11-99280 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

#### NEW SECTION

WAC 197-11-99290 EFFECTIVE DATE. (1) These rules shall become effective thirty days after the date of adoption by the department.

(2) These rules shall not apply to agency decisionmaking under SEPA, however, on their effective date. Rather, agencies are allowed six months after the effective date of these rules to conform their policies, procedures, and practices to this chapter (197-11-99110 and 197-11-99120). This chapter and agency policies and procedures adopted under it shall govern agency compliance with SEPA, as specified in 197-11-99160 and 197-11-99170, no later than one hundred eighty days after the effective date of these rules.

(3) Nothing in these rules shall delay agency compliance with any requirement in chapter 43.21C RCW, as amended, such as RCW 43.21C.031 and 43.21C.075 (as noted in 197-11-99160(3)).

#### PART ELEVEN - FORMS



**NEW SECTION****WAC 197-11-99325 ENVIRONMENTAL CHECKLIST.****ENVIRONMENTAL CHECKLIST**

Instructions for Private Applicants. This "environmental checklist" asks you to describe some basic information about what you intend to do ("your proposal"). Government agencies use the checklist to learn about the effects your proposal might have on our environment.

The checklist is looking for general answers and descriptions in plain English. Whenever questions ask about the amount or type of something, please give the precise information if you know it. If you don't, you should give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. This checklist is designed so that you can answer the questions from your own observations or project plans, without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, please write "do not know" or "does not apply".

Some questions ask about permits or governmental matters, such as zoning, shoreline, and landmark designations. Please answer these questions if you can. Although it will be appreciated if you can answer these questions, the government agencies should know the answers to these questions and will assist you, if requested.

The questions on the checklist apply to all of the various parts of your proposal, even if you plan to do them over a period of time or on different parcels of property. Please feel free to attach additional information which will help to describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you, within reason, to explain your answers or provide additional information.

Instructions for Public Officials. Agencies should follow the instructions above when requesting information from private applicants. As noted, private applicants are not required to supply information on governmental matters. Requests to private applicants should be limited to those areas for which the agency has reason to believe that there may be a significant adverse environmental effect. These requests should be limited to the appropriate level of detail for a threshold determination.

The instructions for private applicants apply to public proposals as well. When government agencies fill out the checklist for their own proposals, however, the answers should normally be precise regarding the type and magnitude of impact, unless the information is not available, is very costly to obtain, or will be obtained in a subsequent SEPA environmental document on the proposal. Agencies should evaluate checklist answers and should decide whether a proposal is likely to have significant environmental effects (space is provided to the right of the checklist questions for agency use).

Nonproject Actions. Please refer to the supplemental sheet at the conclusion of the checklist for "nonproject" proposals (proposals on general policies and plans, for example, rather than projects on specific sites).

Background and Purpose of the Checklist. The State Environmental Policy Act (SEPA) requires all government agencies and citizens to do their share in protecting our environment for present and future generations. One purpose of this checklist is to help you think about some of the environmental aspects of the proposal.

This checklist will also help the government agencies consider your proposal's environmental "impact" — to help them work with you to avoid or reduce any environmental damage, if this can be done. If your proposal might significantly affect the environment, a more detailed environmental analysis may be required.

For further information, please see the State SEPA Guidelines (chapter 197-10 WAC) and the Act (chapter 43.21C RCW), or contact the agency listed below in question A.5, or your local planning department or the state department of ecology.

**A. BACKGROUND**

1. Name of proposed project, if applicable:

2. Name of applicant:

3. Address and phone number of applicant and contact person:

4. Date checklist prepared:

5. Agency requesting checklist:

6. Proposed timing or schedule (including phasing, if applicable):

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

9. Do you know of pending applications for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

10. List any government approvals or permits that will be needed for your proposal, if known.

11. Give complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist which ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description, consistent with the instructions at the beginning of this checklist.)

12. Location of the proposal. Please give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any. If a proposal would occur over a range of area, please provide the range or boundaries of the site(s). Please



provide, if you have them, a legal description, site plan, vicinity map, and topographic map if possible. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

**TO BE COMPLETED BY APPLICANT**

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

**B. ENVIRONMENTAL ELEMENTS**

**1. Earth**

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other \_.
- b. What is the steepest slope on the site (approximate % slope)?
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, please specify and note any prime farmland.

d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.

e. Describe the purpose, type, and approximate quantities of any filling or grading proposed.

f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.

g. Proposed measures to reduce or control erosion, or other impacts, if any:

**EVALUATION FOR AGENCY USE ONLY**

**TO BE COMPLETED BY APPLICANT**

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

**EVALUATION FOR AGENCY USE ONLY**

**2. Air**

a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke) during construction, and when the project is completed? If any, generally describe and give approximate quantities if known.

b. Are there any off-site sources of emissions or odor which may affect your proposal? If so, generally describe.

c. Proposed measures to reduce or control emissions or other impacts, if any:

**3. Water**

**a. Surface:**

1) Is there any surface water on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, associated wetlands)? If yes, describe type, provide names, and, if known, state what stream or river it flows into.

2) Will the project require any work over or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

3) Estimate the amount of fill and dredge that would be placed in or removed from surface water.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

4) Will surface water withdrawals or diversions be required by the proposal? Give general description, purpose, and approximate quantities if known.

5) Does the proposal lie within a 100-year floodplain? Note location on the site plan, if any.

b. Ground:

1) Will ground water be withdrawn or recharged? Give general description, purpose, and approximate quantities if known.

2) If waste material will be placed into the ground (from septic tanks or other sources), generally describe.

c. Storm and Runoff:

1) Describe the source of runoff and storm water and method of collection and disposal, if any (include quantities, if known). Will this waste flow into other waters? If so, please describe.

2) Could waste materials leak into ground or surface waters? If so, generally describe.

d. Proposed measures to reduce or control surface, ground, storm and runoff water impacts, if any:

4. Plants

a. Check or circle types of vegetation found on the site:

- deciduous tree: alder, maple, aspen, other
- evergreen tree: fir, cedar, pine, other
- shrubs
- grass
- pasture
- crop or grain
- wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- water plants: water lily, eelgrass, milfoil, other
- other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

c. List threatened or endangered species known to be on or near the site.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

5. Animals

a. Circle any birds and animals which have been observed on or known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other
- mammals: deer, bear, elk, beaver, other
- fish: bass, salmon, trout, shellfish, other

b. List any threatened or endangered species known to be on or near the site.

c. Proposed measures to preserve or enhance wildlife, if any:

6. Energy and Natural Resources

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

- a. Circle applicable on-site energy use for completed project: electricity for heating, electricity for manufacturing, natural gas heating, oil heating, wood stove heating, solar heating, other.
- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.
- c. What kinds of energy conservation features are included in the plans of this proposal?
- d. Proposed measures to reduce or control energy impacts, if any:

7. Environmental Health

- a. Are there any environmental health hazards, including risk of fire and explosion, spill, or hazardous waste, that occur as a result of this proposal? If so, describe.
- b. Describe special emergency services that might be required.
- c. Proposed measures to reduce or control environmental health hazards, if any:

8. Land and Shoreline Use

- a. What is the current use of the site and adjacent properties?
- b. Has the site been used for agricultural purposes? If so, describe.

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

- c. Describe any structures on the site.
- d. Will any structures be demolished? If so, what?
- e. What is the current zoning classification of the site?
- f. What is the current comprehensive plan designation of the site?
- g. If applicable, what is the current shoreline master program environment designation of the site?
- h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.
- i. Approximately how many people would reside or work in the completed project?
- j. Approximately how many people would the completed project displace?
- k. Proposed measures to avoid or reduce displacement impacts, if any:
- l. Proposed measures so that the proposal is compatible with existing and projected land uses and plans, if any:

9. Housing

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

- a. Approximately how many units would be provided?
- b. Approximately how many units would be eliminated?
- c. Proposed measures to reduce or control housing impacts, if any:

- c. What existing off-site sources of light or glare may affect your proposal?
- d. Proposed measures to reduce or control light and glare impacts, if any:

10. Noise

- a. What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?
- b. What types of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)?
- c. Proposed measures to reduce or control noise impacts, if any:

13. Recreation

- a. What designated and informal recreational opportunities are in the immediate vicinity?
- b. Would the proposed project displace any existing recreational uses? If so, describe.
- c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

11. Aesthetics

- a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?
- b. What views in the immediate vicinity would be altered or obstructed?
- c. Proposed measures to reduce or control aesthetic impacts, if any:

14. Historic Preservation

- a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on the site? If so, generally describe.
- b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on the site.
- c. Proposed measures to reduce or control impacts, if any:

12. Light and Glare

- a. What type of light or glare will the proposal produce?
- b. Could light or glare from the finished project be a safety hazard or interfere with views?

- c. Proposed measures to reduce or control impacts, if any:

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

TO BE COMPLETED BY APPLICANT

EVALUATION FOR AGENCY USE ONLY

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

If you do not know the answer or if a question does not apply to your proposal, please write "do not know" or "does not apply"

15. Transportation

- a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.
- b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?
- c. How many parking spaces would the completed project have?
- d. Will any new road or street, not including driveways, be required? If so, generally describe (indicate whether public or private).
- e. Will the project use or occur in the immediate vicinity of water, rail, or air transportation? If so, generally describe.
- f. How many vehicular trips per day would be generated by the completed project?
- g. Proposed measures to reduce or control transportation impacts, if any:

- b. Proposed measures to reduce or control direct impacts on public services, if any.

18. Utilities

- a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.
- b. Describe the utilities which are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

C. SIGNATURE

The above answers are true to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: .....

Date Submitted: .....

ENVIRONMENTAL CHECKLIST SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

INSTRUCTIONS

Nonproject actions. Nonproject actions involve decisions on policies, plans, or programs; they may occur in a specific geographic area and may involve project actions as well (197-11-815(4)).

Use of the main checklist. Many questions on the main checklist may apply to a nonproject proposal. The checklist must be filled out along with this supplemental sheet, even though questions may be answered "does not apply." For nonproject actions, the references to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively. The signature on the main checklist (Part C) covers this supplemental sheet.

Site impacts. The fact that a nonproject proposal applies to a given jurisdiction does not necessarily mean that the proposal would affect a given geographic area. Questions about site conditions should be answered "does not apply" if specific site impacts or types of impacts cannot be reasonably identified (for example, the description of the existing environment of an entire county is not required for an amendment to a comprehensive plan).

Filling out Part A of the main checklist. In filling out Part A, particular attention should be given to the way a proposal is defined and described, making sure to consider if this is a connected action or series

16. Public Services

- a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

of actions (197-11-060(4)). If phased review is involved, the answer to question 6 should identify and commit to the type and timing of subsequent review (197-11-055(2)).

Filling out Part B of the main checklist and this supplemental sheet. The following considerations should be kept in mind:

- The proposal may serve as a precedent for future actions. For example, the proposal may encourage or tend to cause particular types of projects. Although future proposals may not be known, you should consider whether such future activities are likely to cause significant pollution or natural resource use (197-11-055(2), 197-11-060(5), 197-11-315(3), and 197-11-970(2)). The specific questions below provide a way to make this evaluation for non-project proposals.
- The elements of the environment may be consolidated into two categories: the natural and the built environment. This will help to write concise answers. If a single element of the environment stands out, of course, it should be identified. If answers overlap, such as impacts on wildlife (in question 2 below) and on endangered species habitat (in question 4 below), they may be answered under one question to avoid repetition.
- Agencies shall use 197-11-305 through 197-11-340 to determine whether the impacts identified are "significant" and require an EIS.
- The use of "or" in this supplemental sheet includes "and", and means that each item mentioned must be considered if relevant.

D. ADDITIONAL QUESTIONS

The following questions should be answered to the extent the proposal, or the types of activities likely to result from the proposal, would do the following at a greater intensity or at a faster rate than if the proposal were not implemented.

Summarize in general terms how the proposal, and the types of activities likely to result from the proposal, would be likely to:

1. Increase pollution (air, water, toxic or hazardous substances, noise):

Proposed measures to avoid or reduce such pollution:

2. Affect wildlife (plants, animals, fish, marine life):

Proposed measures to protect or conserve wildlife:

3. Deplete energy or natural resources:

Proposed measures to protect or conserve energy and natural resources:

4. Use or affect environmentally sensitive areas or areas designated, eligible, or under study for protection (parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, prime farmlands):

Proposed measures to protect such resources or avoid or reduce impacts:

5. Affect land and shoreline use, or allow or encourage land or shoreline uses incompatible with existing plans (the second part of this item need not be answered for proposals to modify existing plans):

Proposed measures to avoid or reduce shoreline and land use impacts:

6. Increase demands on transportation or public services and utilities:

Proposed measures to reduce or respond to such demand:

7. Would the proposal be likely to violate local, state, or federal laws or requirements for the protection of the environment? If so, explain.

NEW SECTION

WAC 197-11-99340 ADOPTION NOTICE.

ADOPTION NOTICE

Name of agency adopting the document \_\_\_\_\_

Name of document being adopted \_\_\_\_\_

Agency that prepared document being adopted \_\_\_\_\_

Date adopted document was prepared \_\_\_\_\_

Description of document (or portion) being adopted \_\_\_\_\_

Description and location of current proposal \_\_\_\_\_

If the document being adopted is not a final document or has been challenged (WAC 197-11-640(4)), please describe:

\_\_\_\_\_ The document is available to be read at (place/time) \_\_\_\_\_

(If there is a commenting period, add:) Any comments are due by \_\_\_\_\_

This document has been clearly identified and adopted after independent review by this agency. The document meets the agency's environmental review needs for its current proposal. The adopted document will accompany the proposal to the decisionmaker. The document is

readily available to the public and other agencies during applicable comment periods, if any, along with a brief description of the current proposal for which it is being used.

Responsible official \_\_\_\_\_
Position/title \_\_\_\_\_
Address/telephone \_\_\_\_\_
Date \_\_\_\_\_ Signature \_\_\_\_\_

NEW SECTION

WAC 197-11-99350 DETERMINATION OF NONSIGNIFICANCE. (DNS)

DETERMINATION OF NONSIGNIFICANCE

Description of proposal \_\_\_\_\_
Proponent \_\_\_\_\_
Location of proposal \_\_\_\_\_
Lead agency \_\_\_\_\_

This proposal has been determined not to have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.020(c). This decision was made after review by the lead agency of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

(For DNSs under WAC 197-11-350(3), the following paragraph shall be added:

The lead agency will not act on this proposal for 15 days from the date below. Anyone may comment on this DNS, but comments must be received within these 15 days.)

Responsible official \_\_\_\_\_
Position/title \_\_\_\_\_
Address and phone \_\_\_\_\_
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If there is an agency appeal for DNSs, the DNS shall state or attach a notice stating the time and place for such appeal, for example:

You may appeal this determination to (name) \_\_\_\_\_
at (location) \_\_\_\_\_
no later than (date) \_\_\_\_\_
by (method) \_\_\_\_\_

You should be prepared to make specific factual objections and should read or ask about an agency's procedures for SEPA appeals first.)

NEW SECTION

WAC 197-11-99360 DETERMINATION OF SIGNIFICANCE AND SCOPING NOTICE. (DS)

DETERMINATION OF SIGNIFICANCE AND SCOPING NOTICE

Description of proposal \_\_\_\_\_
Proponent \_\_\_\_\_
Location of proposal \_\_\_\_\_
Lead agency \_\_\_\_\_

EIS Required. This proposal has been determined to be likely to have a significant adverse impact on the environment. An environmental impact statement (EIS) is required under RCW 43.21C.020(c) and is now being prepared. An environmental checklist or other materials indicating likely environmental impacts can be reviewed at our offices.

Scoping. Agencies and members of the public are invited to comment on the scope of the EIS. The method and deadline for giving us your comments is:

\_\_\_\_\_
\_\_\_\_\_

Responsible official \_\_\_\_\_
Position/title \_\_\_\_\_
Address and phone \_\_\_\_\_
Date \_\_\_\_\_ Signature \_\_\_\_\_

(If there is an agency appeal for DSs, the DS shall state or attach a notice stating the time and place for appealing the agency's decision that an EIS is required; see DNS form in 197-11-99350.)

NEW SECTION

WAC 197-11-99370 NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS.

NOTICE OF ASSUMPTION OF LEAD AGENCY STATUS

Description of proposal \_\_\_\_\_
Proponent \_\_\_\_\_
Location of proposal \_\_\_\_\_
Initial lead agency \_\_\_\_\_
New lead agency \_\_\_\_\_

The initial lead agency concluded that this proposal was not likely to have significant adverse impact on the environment, according to its determination of nonsignificance dated \_\_\_\_\_.

We have reviewed the environmental checklist and related information. In our opinion, an environmental impact statement (EIS) is required on the proposal.

You are being notified that we assume the responsibility of lead agency under SEPA, including the duty to prepare an EIS on the proposal.

Responsible official \_\_\_\_\_
Position/title \_\_\_\_\_
Address/telephone \_\_\_\_\_
Date \_\_\_\_\_ Signature \_\_\_\_\_

NEW SECTION

WAC 197-11-99380 NOTICE OF ACTION AND DEADLINE FOR APPEAL.

NOTICE OF ACTION AND DEADLINE FOR APPEAL

Notice is given under SEPA, RCW 43.21C.080, that (name of agency or entity) \_\_\_\_\_ took the following action on (date) \_\_\_\_\_

- 1. An appeal must be filed with (name person or entity hearing the appeal) \_\_\_\_\_ on or before (date) \_\_\_\_\_
2. Description of agency action: \_\_\_\_\_
3. Description of proposal (if not covered by (2)): \_\_\_\_\_
4. Location of proposal (a sufficient description should be given to locate the site, if any, but a complete legal description is not required): \_\_\_\_\_
5. Type of environmental review under SEPA (include name and date of any environmental documents): \_\_\_\_\_
6. Documents may be examined during regular business hours at (location, including room number, if any): \_\_\_\_\_

7. Name of agency, proponent, or applicant giving notice:

8. This notice is filed by (signature of individual and capacity in which the person is signing):

Date

(Note: This form may be used for any SEPA notice of appeal under RCW 43.21C.075, WAC 197-11-750, or agency procedures, by changing the title and the cite in the first line.)

NEW SECTION

WAC 197-11-99444 ELEMENTS OF THE ENVIRONMENT.

ELEMENTS OF THE ENVIRONMENT

(1) Natural Environment

- (a) Earth
(i) Geology
(ii) Soils
(iii) Topography
(iv) Unique physical features
(v) Erosion/enlargement of land area
(b) Air
(i) Air quality
(ii) Odor
(iii) Climate
(c) Water
(i) Surface water movement/quantity/quality
(ii) Runoff/absorption
(iii) Floods
(iv) Ground water movement/quantity/quality
(v) Public water supplies
(d) Wildlife (Plants and Animals)
(i) Habitat and numbers or diversity of species of plants, fish, or other wildlife
(ii) Unique species
(iii) Agricultural crops
(iv) Fish or wildlife migration routes
(e) Energy and Natural Resources
(i) Amount required/rate of use
(ii) Source/availability
(iii) Nonrenewable resources
(iv) Conservation and renewable resources

(2) Built Environment

- (a) Environmental Health
(i) Risk of explosion
(ii) Toxic emissions and hazardous waste disposal
(b) Land and Shoreline Use
(i) Description of relationship to plans and designations, and projected population
(ii) Housing
(iii) Noise
(iv) Aesthetics/light and glare
(v) Recreation
(vi) Historic and cultural preservation
(c) Transportation
(i) Transportation systems
(ii) Vehicular traffic
(iii) Waterborne, rail, and air traffic
(iv) Parking
(v) Movement/circulation of people or goods
(vi) Traffic hazards
(d) Public Services and Utilities
(i) Fire
(ii) Police
(iii) Schools

- (iv) Parks or other recreational facilities
(v) Maintenance
(vi) Communications
(vii) Water/storm water
(viii) Sewer/solid waste
(ix) Other governmental services or utilities

(3) In order to simplify the EIS format, reduce paperwork and duplication, improve readability, and focus on the significant issues, some or all of the elements of the environment in 197-11-444(1) may be combined and discussed as the natural environment, and the elements in (2) may be treated as the built environment.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 197-10-010 AUTHORITY.
(2) WAC 197-10-020 PURPOSE.
(3) WAC 197-10-025 SCOPE AND COVERAGE OF THIS CHAPTER.
(4) WAC 197-10-030 INTEGRATION OF SEPA PROCEDURES WITH OTHER GOVERNMENTAL OPERATIONS.
(5) WAC 197-10-040 DEFINITIONS.
(6) WAC 197-10-050 USE OF THE ENVIRONMENTAL CHECKLIST FORM.
(7) WAC 197-10-055 TIMING OF THE EIS PROCESS.
(8) WAC 197-10-060 SCOPE OF A PROPOSAL AND ITS IMPACTS FOR THE PURPOSES OF LEAD AGENCY DETERMINATION, THRESHOLD DETERMINATION, AND EIS PREPARATION.
(9) WAC 197-10-100 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.
(10) WAC 197-10-150 EXEMPTIONS EXCLUSIVE—CEP APPROVAL OF CHANGES IN EXEMPTIONS.
(11) WAC 197-10-160 NO PRESUMPTION OF SIGNIFICANCE FOR NONEXEMPT ACTIONS.
(12) WAC 197-10-170 CATEGORICAL EXEMPTIONS.
(13) WAC 197-10-175 EXEMPTIONS AND NONEXEMPTIONS APPLICABLE TO SPECIFIC STATE AGENCIES.
(14) WAC 197-10-177 ENVIRONMENTALLY SENSITIVE AREAS.
(15) WAC 197-10-180 EXEMPTION FOR EMERGENCY ACTIONS.
(16) WAC 197-10-190 USE AND EFFECT OF CATEGORICAL EXEMPTIONS.
(17) WAC 197-10-200 LEAD AGENCY—RESPONSIBILITIES.
(18) WAC 197-10-203 DETERMINATION OF LEAD AGENCY—PROCEDURES.
(19) WAC 197-10-205 LEAD AGENCY DESIGNATION—GOVERNMENTAL PROPOSALS.
(20) WAC 197-10-210 LEAD AGENCY DESIGNATION—PROPOSALS INVOLVING BOTH PRIVATE AND PUBLIC CONSTRUCTION ACTIVITY.
(21) WAC 197-10-215 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS FOR WHICH THERE IS ONLY ONE AGENCY WITH JURISDICTION.
(22) WAC 197-10-220 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE AGENCY, WHEN ONE OF THE AGENCIES IS A COUNTY/CITY.
(23) WAC 197-10-225 LEAD AGENCY DESIGNATION—PRIVATE PROJECTS REQUIRING LICENSES FROM MORE THAN ONE STATE AGENCY.
(24) WAC 197-10-230 LEAD AGENCY DESIGNATION—SPECIFIC PROPOSALS.
(25) WAC 197-10-235 LOCAL AGENCY TRANSFER OF LEAD AGENCY STATUS TO A STATE AGENCY.
(26) WAC 197-10-240 AGREEMENTS AS TO LEAD AGENCY STATUS.
(27) WAC 197-10-245 AGREEMENTS BETWEEN AGENCIES AS TO DIVISION OF LEAD AGENCY DUTIES.
(28) WAC 197-10-260 DISPUTE AS TO LEAD AGENCY DETERMINATION—RESOLUTION BY CEP.
(29) WAC 197-10-270 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION.



(30) WAC 197-10-300 THRESHOLD DETERMINATION REQUIREMENT.

(31) WAC 197-10-305 RECOMMENDED TIMING FOR THRESHOLD DETERMINATION.

(32) WAC 197-10-310 THRESHOLD DETERMINATION PROCEDURES—ENVIRONMENTAL CHECKLIST.

(33) WAC 197-10-320 THRESHOLD DETERMINATION PROCEDURES—INITIAL REVIEW OF ENVIRONMENTAL CHECKLIST.

(34) WAC 197-10-330 THRESHOLD DETERMINATION PROCEDURES—INFORMATION IN ADDITION TO CHECKLIST.

(35) WAC 197-10-340 THRESHOLD DETERMINATION PROCEDURES—NEGATIVE DECLARATIONS.

(36) WAC 197-10-345 ASSUMPTION OF LEAD AGENCY STATUS BY ANOTHER AGENCY WITH JURISDICTION OVER A PROPOSAL—PREREQUISITES, EFFECT AND FORM OF NOTICE.

(37) WAC 197-10-350 AFFIRMATIVE THRESHOLD DETERMINATION.

(38) WAC 197-10-355 FORM OF DECLARATION OF SIGNIFICANCE/NONSIGNIFICANCE.

(39) WAC 197-10-360 THRESHOLD DETERMINATION CRITERIA—APPLICATION OF ENVIRONMENTAL CHECKLIST.

(40) WAC 197-10-365 ENVIRONMENTAL CHECKLIST.

(41) WAC 197-10-370 WITHDRAWAL OF AFFIRMATIVE THRESHOLD DETERMINATION.

(42) WAC 197-10-375 WITHDRAWAL OF NEGATIVE THRESHOLD DETERMINATION.

(43) WAC 197-10-380 INTRA-AGENCY APPEALS OF THRESHOLD DETERMINATIONS.

(44) WAC 197-10-390 EFFECT OF THRESHOLD DETERMINATION BY LEAD AGENCY.

(45) WAC 197-10-400 DUTY TO BEGIN PREPARATION OF A DRAFT EIS.

(46) WAC 197-10-405 PURPOSE AND FUNCTION OF A DRAFT EIS.

(47) WAC 197-10-410 PREDRAFT CONSULTATION PROCEDURES.

(48) WAC 197-10-420 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY.

(49) WAC 197-10-425 ORGANIZATION AND STYLE OF A DRAFT EIS.

(50) WAC 197-10-440 CONTENTS OF A DRAFT EIS.

(51) WAC 197-10-442 SPECIAL CONSIDERATIONS REGARDING CONTENTS OF AN EIS ON A NONPROJECT ACTION.

(52) WAC 197-10-444 LIST OF ELEMENTS OF THE ENVIRONMENT.

(53) WAC 197-10-446 DRAFT EIS—OPTIONAL ADDITIONAL ELEMENTS—LIMITATION.

(54) WAC 197-10-450 PUBLIC AWARENESS OF AVAILABILITY OF DRAFT EIS.

(55) WAC 197-10-455 CIRCULATION OF THE DRAFT EIS—REVIEW PERIOD.

(56) WAC 197-10-460 SPECIFIC AGENCIES TO WHICH DRAFT EIS SHALL BE SENT.

(57) WAC 197-10-465 AGENCIES POSSESSING ENVIRONMENTAL EXPERTISE.

(58) WAC 197-10-470 COST TO THE PUBLIC FOR REPRODUCTION OF ENVIRONMENTAL DOCUMENTS.

(59) WAC 197-10-480 PUBLIC HEARING ON A PROPOSAL—WHEN REQUIRED.

(60) WAC 197-10-485 NOTICE OF PUBLIC HEARING ON ENVIRONMENTAL IMPACT OF THE PROPOSAL.

(61) WAC 197-10-490 PUBLIC HEARING ON THE PROPOSAL—USE OF ENVIRONMENTAL DOCUMENTS.

(62) WAC 197-10-495 PREPARATION OF AMENDED OR NEW DRAFT EIS.

(63) WAC 197-10-500 RESPONSIBILITIES OF CONSULTED AGENCIES—LOCAL AGENCIES.

(64) WAC 197-10-510 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH JURISDICTION.

(65) WAC 197-10-520 RESPONSIBILITIES OF CONSULTED AGENCIES—STATE AGENCIES WITH ENVIRONMENTAL EXPERTISE.

(66) WAC 197-10-530 RESPONSIBILITIES OF CONSULTED AGENCIES—WHEN PREDRAFT CONSULTATION HAS OCCURRED.

(67) WAC 197-10-535 COST OF PERFORMANCE OF CONSULTED AGENCY RESPONSIBILITIES.

(68) WAC 197-10-540 LIMITATIONS ON RESPONSES TO CONSULTATION.

(69) WAC 197-10-545 EFFECT OF NO WRITTEN COMMENT.

(70) WAC 197-10-550 PREPARATION OF THE FINAL EIS—TIME PERIOD ALLOWED.

(71) WAC 197-10-570 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN NO CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.

(72) WAC 197-10-580 PREPARATION OF THE FINAL EIS—CONTENTS—WHEN CRITICAL COMMENTS RECEIVED ON THE DRAFT EIS.

(73) WAC 197-10-600 CIRCULATION OF THE FINAL EIS.

(74) WAC 197-10-650 EFFECT OF AN ADEQUATE FINAL EIS PREPARED PURSUANT TO NEPA.

(75) WAC 197-10-652 SUPPLEMENTATION BY A LEAD AGENCY OF AN INADEQUATE FINAL NEPA EIS.

(76) WAC 197-10-660 USE OF PREVIOUSLY PREPARED EIS FOR A DIFFERENT PROPOSED ACTION.

(77) WAC 197-10-690 USE OF LEAD AGENCY'S EIS BY OTHER ACTING AGENCIES FOR THE SAME PROPOSAL.

(78) WAC 197-10-695 DRAFT AND FINAL SUPPLEMENTS TO A REVISED EIS.

(79) WAC 197-10-700 NO ACTION FOR SEVEN DAYS AFTER PUBLICATION OF THE FINAL EIS.

(80) WAC 197-10-710 EIS COMBINED WITH EXISTING PLANNING AND REVIEW PROCESSES.

(81) WAC 197-10-800 RESPONSIBILITIES OF AGENCIES TO ADOPT GUIDELINES.

(82) WAC 197-10-805 AGENCY GUIDELINES CONSISTENT WITH THIS CHAPTER.

(83) WAC 197-10-810 RESPONSIBILITY OF AGENCIES—AMENDMENTS TO THIS CHAPTER.

(84) WAC 197-10-820 RESPONSIBILITY OF AGENCIES—DESIGNATION OF RESPONSIBLE OFFICIAL.

(85) WAC 197-10-825 RESPONSIBILITY OF AGENCIES—PROCEDURES WHEN CONSULTED AGENCY.

(86) WAC 197-10-831 RESPONSIBILITY OF AGENCIES—SEPA PUBLIC INFORMATION.

(87) WAC 197-10-840 APPLICATION OF AGENCY GUIDELINES TO ONGOING ACTIONS.

(88) WAC 197-10-860 FEES TO COVER THE COSTS OF SEPA COMPLIANCE.

(89) WAC 197-10-900 APPLICABILITY OF THIS CHAPTER.

(90) WAC 197-10-910 SEVERABILITY.

## WSR 83-17-117

### PROPOSED RULES

### DEPARTMENT OF LICENSING

#### (Council on Hearing Aids)

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Council on Hearing Aids intends to adopt, amend, or repeal rules concerning license renewal dates, new section WAC 308-50-350;

that the agency will at 10:00 a.m., Tuesday, September 27, 1983, in the Third Floor Conference Room, Department of Licensing, Highways-Licenses Building, Twelfth at Franklin, 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 section 13(3), chapter 39, Laws of 1983.

The specific statute these rules are intended to implement is section 2, chapter 2, Laws of 1983.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1983.

Dated: August 24, 1983

By: Barbara Johnson  
Executive Secretary

**STATEMENT OF PURPOSE**

Name of Agency: Washington State Council on Hearing Aids.

Title: WAC 308-50-350 Renewal of license.

Description of Purpose: The purpose of the new rule is to bring the license renewal date for hearing aid fitters/dispensers into conformity with that for other professions under the administration of the Washington State Department of Licensing.

Statutory Authority: Section 13(3), chapter 39, Laws of 1983.

Summary of Rule: WAC 308-50-350 designates the birthdate of the licensee as the annual license renewal date.

Reasons Supporting Proposed Action: This rule is proposed to facilitate license renewal for hearing aid fitters/dispensers.

Responsible Personnel: In addition to the members of the council, the following Council on Hearing Aids employee has knowledge of and responsibility for drafting, implementing and enforcing this rule: Barbara Johnson, Executive Secretary, Highways-Licenses Building, Twelfth at Franklin, Olympia, WA 98504, 234-1153 scan, 753-1153 comm.

Proponents: This rule is proposed by the Washington State Council on Hearing Aids.

Agency Comments: This rule is promulgated pursuant to section 13(3), chapter 39, Laws of 1983.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since this rule does not impact any small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-50-350 RENEWAL OF LICENSE. (1) The annual license renewal date for Hearing Aid Fitters and Dispensers is hereby changed to coincide with the licensee's birthdate. Individuals making application for examination and initial license, provided they meet all such requirements, will be issued a license to expire on their next anniversary date.

(2) Current Licensees as of December 31, 1983. Licensed Hearing Aid Fitters and Dispensers desiring to renew their licenses will be required to pay a fee of eighty dollars (\$80), plus one-twelfth of that amount for each month or fraction thereof, in order to extend their license to expire on their birth anniversary date next following December 31, 1983.

(c) After the initial conversion to a staggered system, licensees may renew their licenses at the annual fee rate, for one year from birth anniversary date to the next birth anniversary date.

[Order 83-59—Filed August 24, 1983—Part effective September 23, 1983, and part effective January 11, 1984]

I, Joe Taller, director of the Office of Financial Management, do promulgate and adopt at Room 300A, Insurance Building, Olympia, Washington 98504, the annexed rules relating to several new sections being added to chapter 82-50 WAC, pay dates for state employees. These new sections establish official semi-monthly pay dates for state officers and employees in compliance with chapter 28, Laws of 1983, 1st ex. sess. (2nd Substitute House Bill No. 295). The rules establish the following: The official lagged, semi-monthly pay dates for calendar year 1984; the three major categories of exceptions that may be authorized to (a); OFM's ability to terminate certain exceptions to (a); and an effective date. The rules also repeal several existing sections of chapter 82-50 WAC, pay dates for state employees, that deal with monthly pay.

This action is taken pursuant to Notice No. WSR 83-15-049 filed with the code reviser on July 20, 1984 [1983]. WAC 82-50-011, 82-50-021, 82-50-031, 82-50-032 and 82-50-041 shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2). Effective January 11, 1984, the following sections of the Washington Administrative Code are repealed: WAC 82-50-010, 82-50-020, 82-50-030 and 82-50-040.

This rule is promulgated pursuant to RCW 42.16.010 and 42.16.017 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 24, 1983.

By Donald G. Meyer  
Deputy Director  
for Joe Taller  
Director

Chapter 82-50 WAC  
PAY DATES FOR STATE EMPLOYEES

NEW SECTION

WAC 82-50-011 PURPOSE. The purpose of this chapter is to implement RCW 42.16.010(1) which mandates the director of the office of financial management to establish pay dates through the administrative hearing process. The chapter establishes pay dates, exceptions to the mandatory pay dates, and a mechanism whereby exceptions may be terminated.

NEW SECTION

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-

50-031, the salaries of all state officers and employees shall be paid on a lagged, semi-monthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1) that begin January 1, 1984. The following are the official lagged, semi-monthly pay dates for calendar year 1984:

Wednesday, January 25, 1984  
 Friday, February 10, 1984  
 Friday, February 24, 1984  
 Friday, March 9, 1984  
 Monday, March 26, 1984  
 Tuesday, April 10, 1984  
 Wednesday, April 25, 1984  
 Thursday, May 10, 1984  
 Friday, May 25, 1984  
 Monday, June 11, 1984  
 Monday, June 25, 1984  
 Tuesday, July 10, 1984  
 Wednesday, July 25, 1984  
 Friday, August 10, 1984  
 Friday, August 24, 1984  
 Monday, September 10, 1984  
 Tuesday, September 25, 1984  
 Wednesday, October 10, 1984  
 Thursday, October 25, 1984  
 Friday, November 9, 1984  
 Monday, November 26, 1984  
 Monday, December 10, 1984  
 Monday, December 24, 1984

#### NEW SECTION

WAC 82-50-031 ✓ **EXCEPTIONS.** The salaries of all state officers and employees shall be paid on a schedule consistent with the provisions of WAC 82-50-021 with the following exceptions:

(1) Schedules for the payment of compensation on dates other than those established in WAC 82-50-021 are authorized for those state officers and employees with written contracts currently in force which explicitly specify payroll dates other than those established in WAC 82-50-021 until the contracts in effect on the effective date of this rule expire or are renegotiated: PROVIDED, That no state agency, office, or institution shall hereafter contract or agree to any payroll dates other than as specified in WAC 82-50-021 and no state agency, office or institution shall agree to any extension of a contract specifying payroll dates other than those set in WAC 82-50-021 without amending the contract to delete any reference to payroll dates other than those established by WAC 82-50-021.

(2) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized in writing by the director of the office of financial management, or the director's designee, in the following instances:

(a) For short-term, intermittent, noncareer state employees;

(b) For student employees of institutions of higher education; and

(c) For liquor control agency managers who are paid a percentage of monthly liquor sales.

(3) Schedules for the payment of compensation on pay dates other than those established in WAC 82-50-021 may be authorized by the director of the office of financial management, or the director's designee, only upon the written request of the agency head, or the agency head's designee, and only for the purpose of maintaining a lagged, semi-monthly pay date schedule of shorter duration than the official lagged, semi-monthly pay date schedule established in WAC 82-50-021: PROVIDED, That the official pay periods established by RCW 42.16.010(1) are in effect.

#### NEW SECTION

WAC 82-50-032 ✓ **TERMINATION OF EXCEPTIONS.** Pursuant to the approval authority over granting of exceptions provided in RCW 42.16.010(2) and pursuant to the approval authority over all agency and state payroll systems provided in RCW 42.16.017, the director of the office of financial management, or the director's designee, may, terminate any exceptions granted under the provisions of WAC 82-50-031 (2) and (3). The director shall give written notice to the affected agency head by July 1 of the intent to terminate an exception, and the affected agency shall conform to WAC 82-50-021 on January 1 of the following year.

#### NEW SECTION

WAC 82-50-041 ✓ **EFFECTIVE DATE.** This rule is effective August 24, 1983: PROVIDED, That WAC 82-50-021 applies only to the official twice-a-month pay periods beginning January 1, 1984.

#### REPEALER

Effective January 11, 1984, the following sections of the Washington Administrative Code are repealed:

- (1) WAC 82-50-010 ✓ **PURPOSE.**
- (2) WAC 82-50-020 ✓ **PAY DATES ESTABLISHED.**
- (3) WAC 82-50-030 ✓ **EXCEPTIONS.**
- (4) WAC 82-50-040 ✓ **EFFECTIVE DATE.**

**WSR 83-17-119**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed August 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 ch. 388-11 WAC Child support—Obligations.  
 Amd ch. 388-14 WAC Support enforcement.

It is the intention of the secretary to adopt these rules on an emergency basis on or about August 23, 1983; that the agency will at 10:00 a.m., Wednesday, September 28, 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 October 5, 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 72.20 RCW.

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 September 14, 1983. The meeting site is in a location which is barrier free.

Dated: August 24, 1983

By: Raymond M. Ryan  
Deputy Secretary

#### STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Re: Amending WAC 388-11-011, 388-11-065, 388-14-020, 388-14-350, new WAC 388-14-390 and 388-14-395.

**The Purpose of These Rule Changes:** To provide procedures for responsible parents and other designated individuals to obtain a hearing or conference board to determine whether a parent is liable to the department for child support or certain property may be collected and retained by the department in satisfaction of the responsible parent's child support obligation. The rule changes also allow the department to accept and process applications for use of the Federal Parent Locator Service in connection with child custody and parental kidnapping cases.

**The Reasons These Rules are Necessary:** To implement legislation.

**Statutory Authority:** Chapter 41, Laws of 1983 1st ex. sess. (ESSB 3660).

**Summary of Rule Changes:** The definitions of the terms secretary and department are clarified and the term hearing examiners is redefined as administrative law judges. The amendment to WAC 388-11-065 defines the circumstances in which and creates a hearing procedures through which the department is authorized to excuse the legal custodian of a dependent child, who has been wrongfully deprived of custody, from paying child support to the department. WAC 388-14-020 is being amended to include definitions for residential care and head of household (section 34, ESSB 3660). Residential care is defined as foster care and head of household is defined as the parent or parents with whom a child was residing prior to placement in foster care. The amendment to WAC 388-14-350 establishes procedures for the department to accept and process applications

from authorized persons to use the Federal Parent Locator Service in connection with parental kidnapping and child custody cases (section 15, ESSB 3660). A new section, WAC 388-14-390, is being added to chapter 388-14 WAC to establish procedures for a responsible parent or the joint owner of record of a bank account to request a hearing to establish that the funds in a bank account are exempt from satisfaction of the child support obligation of the responsible parent (section 3, ESSB 3660). Section 3, ESSB 3660 establishes that a responsible parent or his or her spouse has a right to an administrative hearing to prove that the funds in a bank account are exempt from satisfaction of the responsible parent's child support obligation. The right to a hearing is being extended to the joint owner of record of an account who is the actual owner of the funds in the account. (Yakima Adjustment Services, Inc. v. Durand, 28 Wash.App 180, 622 P.2d 408 (1981)). A new section, WAC 388-14-395, is being added to chapter 388-14 WAC to create a procedure whereby the head of household can request a conference board from OSE to establish that a support payment or payments should not have been collected and retained by department (section 34, ESSB 3660). The purpose of section 34, ESSB 3660 and this amendment is to temporarily relieve the head of household from making support payments to the department if the income of the household is at or below the need standard for AFDC.

**Person Responsible for Drafting, Implementation and Enforcement of the Rules:** Jon Conine, Acting Chief, Office of Support Enforcement, Mailstop: FU-11, Phone: 459-6480.

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

#### AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-011 DEFINITIONS. For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

(1) "Locate" (~~for purposes of this chapter~~) shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.

(2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:

(a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent; or

(b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under subsection (1)(a) (~~above~~) of this section, or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or

(c) When service cannot be accomplished, tracing activity as stated (~~below~~) as follows:

(i) Checking of local telephone directories and attempts by telephone or mail to contact the applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities when appropriate;

(ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which the responsible parent is known to have had contact or membership.

(d) Referral to state parent locator service when tracing efforts under subsection (1)(c) (~~above~~) of this section are exhausted;

(e) Referral to the attorney general, a prosecuting attorney, or the Internal Revenue Service for specific legal or collection action.

(3) "The date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought" shall mean the date payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant is authorized, or September 1, 1979, whichever is later.

(4) "Department" means the state department of social and health services. (~~For purposes of chapter 388-11 WAC, unless otherwise clearly indicated, "department" shall mean the chief, office of support enforcement or his designee.~~)

(5) "Secretary" means the secretary of the department of social and health services, or the secretary's designee or authorized representative (~~(, which for purposes of chapter 388-11 WAC shall mean the designee of the secretary, the chief, office of hearings or his designee).~~)

(6) "Hearing examiner" shall mean the (~~(hearing examiner)~~) administrative law judge employed by the (~~(department of social and health services who hears)~~) office of administrative hearings hearing the testimony and ((makes)) making the initial decision under chapter 388-11 WAC.

(7) "Dependent child" means any person under the age of twenty-one (~~(who is))~~ not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(8) "Superior court order" means any judgment or order of the superior court of the state of Washington ordering payment of a set or determinable amount of support moneys, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys. Orders of the superior court (~~(which fail))~~ failing to expressly require payment of support by a responsible parent or orders (~~(which fail))~~ failing to specifically relieve the responsible parent of the support obligation shall not constitute a superior court order.

(9) "Responsible parent" means the natural parent, adoptive parent, or stepparent of a dependent child.

(10) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for by RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.

(11) "Support moneys" means any moneys paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(12) "Future" support or "future and current" support or "future/current" support shall mean support moneys paid to satisfy the support obligation for the instant or present month as opposed to satisfaction of support obligations owed for previous and past months which, having been unpaid, are delinquent.

(13) "Debt," "arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month, but is owed for a period of time in the past.

(14) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.

(15) "Good cause" means (~~(that))~~ there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in RCW 4.72.010 and CR60 and allegation is made of a defense under WAC 388-11-065.

(16) "Assignment pursuant to RCW 74.20A.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.

(17) Fraud for the purposes of WAC 388-11-115 means:

- (a) The representation of the existence or nonexistence of a fact;
- (b) Its materiality;
- (c) Its falsity;
- (d) The speaker's knowledge of its truth;
- (e) (~~((his/her))~~) His or her intent that (~~((is))~~) it should be acted on by the person to whom it is made;
- (f) Ignorance of its falsity on the part of the person to whom it is made;
- (g) The latter's reliance on the truth of the representation;
- (h) (~~((his/her))~~) His or her right to rely upon it; and
- (i) (~~((his/her))~~) His or her subsequent damage.

#### AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-065 RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE DEFENSES—BURDEN OF PROOF. At the hearing held pursuant to WAC 388-11-060, the responsible parent shall show cause, if any there be, why the finding of financial

responsibility and/or the amount prayed for therein is inaccurate, and why the hearing examiner should not enter an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing, the responsible parent shall state affirmatively and shall have the burden of proving:

- (1) Estoppel;
- (2) Payment;
- (3) Release;
- (4) Superior court order;

(5) Lack of eligibility in the receipt of public assistance funds paid to or for the benefit of the responsible parent's minor child or children: PROVIDED, That lack of eligibility shall operate as a defense only as to debt accrued prior to September 1, 1979: PROVIDED(;) FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;

(6) (~~((That))~~) The applicant is not a responsible parent;

(7) Inability to pay the amount determined;

(8) Lack of need and/or debt pursuant to RCW 26.16.205: PROVIDED, That the amount determined by reference to the schedule of suggested minimum contributions in WAC 388-11-190, based on the earnings, resources, and property of the responsible parent shall be a rebuttable presumption of the responsible parent's ability to pay and the need of the family on whose behalf action is being taken. If said presumption is rebutted, the office of support enforcement shall be afforded reasonable opportunity to present evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance. The responsible parent shall be presumed to have no ability to pay from income received from AFDC, SSI, or continuing general assistance;

(9) Discharge in bankruptcy; ((and))

(10) The responsible parent, pursuant to chapter 74.20 RCW, should be excused from making support payments for the child or children, receiving or on whose behalf public assistance was provided under chapter 74.12 RCW, because the responsible parent is the legal custodian of the child or children and has been wrongfully deprived of physical custody of the child or children.

The responsible parent may only be excused from making support payments for the period or periods during which the responsible parent was wrongfully deprived of custody. In order to be excused from making support payments, the responsible parent must show:

(a) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of the child or children to the responsible parent;

(b) The custody order has not been altered, changed, modified, superseded, or dismissed;

(c) The child or children were taken or enticed from the physical custody of the responsible parent without his or her consent, and the responsible parent has not subsequently assented to being deprived of physical custody of the child or children; and

(d) The responsible parent, within a reasonable time of the date the responsible parent was wrongfully deprived of physical custody of the child or children, exerted and has continued to exert reasonable efforts to regain physical custody of the child or children; and

(11) Any other matter constituting an avoidance or affirmative defense to the notice and finding of financial responsibility.

Except as provided for in chapter 388-08 WAC for discovery, the hearing examiner or review examiner shall not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that nonconfidential information or documents which the office of support enforcement has in its possession.

#### AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-020 DEFINITIONS. (1) The terms "applicant/recipient((;))," "applicant((;))," or "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance. See also WAC 388-22-030.

(2) The term "applicant/custodian" shall designate the individual who is the physical and legal custodian of any (~~((person(s)))~~) person or

persons on whose behalf an application for nonassistance support enforcement services has been made to the office of support enforcement pursuant to RCW 74.20.040 and 74 U.S.C. 654(6) or 42 U.S.C. 657(C)(1)(2).

(3) The term "absent parent" shall designate that person who:

(a) Is not the physical custodian of the child; and

(b) Is a natural, or adoptive parent, or a stepparent (~~((who owes))~~) owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance or application has been made for nonassistance support enforcement services.

(4) "Putative father" as used in this section shall include any and all men who may possibly be the father of the (~~((child(ren)))~~) child or children on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200(2)(c).

(5) "Aid" means aid to families with dependent children or AFDC foster care.

(6) "Title IV-D" refers to Title IV-D of the Social Security Act established under Title XX of the social security amendments and as incorporated in 42 U.S.C. (602).

(7) "Title IV-D plan" refers to a plan established under the conditions of Title IV-D approved by the secretary, Department of Health(~~(-education))~~ and (~~((welfare))~~) Human Services.

(8) The "required support obligation for the current month" is defined as the amount of a superior court order for support or the periodic future support amount determined pursuant to chapter 388-11 WAC which is or will be owing for the current month.

(9) "Incentive payments" are payments distributed pursuant to WAC 388-14-370 to prosecuting attorneys or other political subdivision on the basis of enforcement and collection of support payments.

(10) "Secretary" means the secretary of the department of social and health services, (~~((his/her))~~) his or her designee or authorized representative, which for all purposes as used in chapter 74.20A RCW shall mean the designee of the secretary, the chief, office of support enforcement or his designee, except as is provided for in WAC 388-11-011(5) wherein for purposes of RCW 74.20A.055 "secretary" has another meaning.

(11) "Family" shall mean the person or persons on behalf of whom support is sought which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

(12) "Residential care" means foster care as defined in WAC 388-70-012.

(13) "Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

#### AMENDATORY SECTION (Amending Order 1054, filed 9/25/75)

WAC 388-14-350 LOCATION OF ABSENT PARENTS. (1) The office of support enforcement shall maintain a service to locate absent parents utilizing all sources of information and available records in this state or in other states, and the parent locator service in the Department of Health(~~(-education))~~ and (~~((welfare))~~) Human Services.

(2) The office of support enforcement will receive applications to undertake location activities for:

(a) Persons receiving public assistance in the state of Washington for the benefit of dependent children.

(b) Any agency or attorney of any state seeking to collect support obligations pursuant to an agreement entered into with the office of support enforcement under the state plan; or a court (~~((which has))~~) having authority to issue an order against an absent parent for the support and maintenance of a child; or the resident parent, legal guardian, attorney or agent of a child who is not receiving public assistance in the state of Washington for application to use the federal parent locator service.

(c) The IV-D agency of another state to locate an absent parent who is in the state of Washington.

(d) Authorized persons as defined in 45 C.F.R. 303.15 to use the federal parent locator service in connection with parental kidnapping or child custody cases.

(3) Referrals at a minimum must include the absent parent's name, and, if known, the absent parent's social security number, whether the absent parent is or has been a member of the armed services, whether the absent parent is receiving or has received any federal compensation or benefits, and any other information which might assist in location activities. In addition, the referral must include a request to be transmitted to the federal parent locator service which request must be

(~~((counter-signed))~~) countersigned by the chief, office of support enforcement, or his or her designee requesting the information and attesting that:

(a) The request is being made to locate an individual for the purpose of establishing paternity (~~((or))~~), securing support, or in connection with parental kidnapping or child custody cases, and for no other purpose;

(b) (~~((that))~~) Any information obtained from the parent locator service shall be treated as confidential; and

(c) (~~((that))~~) The certifying agency will take protective measures to safeguard personal information received from the parent locator service.

(4) Locate requests to the parent locator service of the state of Washington by a IV-D agency of another state pursuant to (~~((subdivision))~~) subsection (2)(c) of this section shall, after unsuccessful but diligent and reasonable efforts to locate, be returned to the IV-D agency of origin for action as appropriate including referral to the federal parent locator service.

(5) The office of support enforcement, after utilizing local and state resources, will submit remaining referrals after sixty days to the federal parent locator service or to another IV-D parent locator service as appropriate.

(6) The office of support enforcement is authorized to enter into arrangements and otherwise cooperate with the secretary, Department of Health(~~(-education))~~ and (~~((welfare))~~) Human Services in carrying out the purposes of 42 U.S.C. 653, including collection of fees for utilizing the federal parent locator service.

#### NEW SECTION

WAC 388-14-390 PETITION FOR HEARING WHEN COLLECTION ACTION IS INITIATED AGAINST A BANK ACCOUNT—EXEMPTIONS—BURDEN OF PROOF. If the department initiates collection action against a bank account, the responsible parent or the joint owner of record of the bank account may petition the secretary or the secretary's designee for a hearing. The petition shall be served upon the office of support enforcement by registered or certified mail or personally within twenty days of the date a copy of the order to withhold and deliver was either mailed to or served upon the responsible parent pursuant to RCW 74.20A.080 or a written notice of the collection action was mailed by certified mail to the last known address of the joint owner of record of the account. The petition shall state the facts supporting the allegation by the responsible parent or the joint owner that the funds in the account, or a portion of those funds, are exempt from satisfaction of the child support obligation of the responsible parent.

On the petition of the responsible parent, the joint owner of record, or OSE, a hearing shall be scheduled solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account:

(1) Pursuant to RCW 26.16.200 and RCW 74.20A.120, the funds in the community bank account, or a portion of those funds which can be identified as the earnings of the spouse not owing a support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(2) The funds in a bank account, or a portion of those funds which can be identified as AFDC funds, SSI monies, or other kinds of funds having been legally exempted from collection action, are exempt from satisfaction of the child support obligation of the responsible parent.

(3) The funds in a bank account which can be identified as being solely owned by the joint owner of record of the bank account not owing a child support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

The burden of tracing the funds and proving the funds in the bank account are exempt from satisfaction of the child support obligation of the responsible parent is on the responsible parent or the joint owner of record.

The secretary or the secretary's designee shall notify the parties or their designated representatives of the date, time, and place of the hearing at least twenty days prior to the scheduled date of the hearing by written notice to the parties or their representatives by registered or certified mail. If the parties waive their right to twenty days' notice of the hearing and request the hearing be scheduled on an expedited basis, however, the hearing shall be scheduled within fifteen days of the receipt of the petition for hearing and notice of the hearing shall be mailed to the parties not less than seven days prior to the scheduled date of the hearing. If the time, date, or place is inconvenient to either

party, the hearing shall grant a new time, date, or place as is reasonably convenient upon a showing of good cause.

Moneys withheld as a result of collection action initiated against a bank account and delivered to the office of support enforcement at the time of the granting of a request for hearing shall be held by the office of support enforcement pending final order of the secretary or during the pendency of any appeal to the courts.

If the final decision of the department or courts on appeal is that the department has caused funds in a bank account that are exempt from satisfaction of the child support obligation of the responsible parent to be withheld by the bank or delivered to the department, the office of support enforcement shall promptly release the order to withhold and deliver or refund the proportionate share of the funds having been identified as being so exempt. No interest shall accrue or be payable by the department on any moneys withheld pursuant to RCW 74.20A.080.

#### NEW SECTION

#### WAC 388-14-395 LIMITATION ON COLLECTION OF SUPPORT PAYMENTS FROM HEAD OF HOUSEHOLD—REQUEST FOR CONFERENCE BOARD—BURDEN OF PROOF.

(1) Whenever the department provides residential care for a dependent child or children, the responsible parent or parents shall satisfy their obligation to support such child or children by paying to the department the amount specified in a court order when there is a superior court order for support, or by paying the amount determined under RCW 74.20A.055.

(2) The office of support enforcement is responsible on behalf of the department for taking action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations as to children receiving residential care paid for by the department.

(3) The department may not collect and retain a support payment or a portion thereof in a given month for a dependent child or children for whom the department is providing residential care from a responsible parent who is the head of household if the income, as defined in RCW 74.04.005, for that month of the head of household and the remaining dependents was below or the effect of the support collection was to reduce the income of the household below the need standard for aid to families with dependent children. The obligation of the head of household to provide support for the child or children receiving residential care, however, will continue to accrue during any month the department is precluded from collecting and retaining support payments under this section.

(4) If the department has collected support payments from the head of household during a month or months where the income of the household was below or the effect of the collection was to reduce the income of the household below the need standard, the head of household may request, in writing, a conference board in accordance with WAC 388-14-385.

(5) The head of household has the burden of proving at the conference board that the income of the household was below or was reduced below the need standard during the month or months payments were collected.

(6) If the conference board determines the department has collected support payments from the head of household that the department is not entitled to retain in accordance with this section, the office of support enforcement shall promptly refund, without interest, any such support payments, or the portion of such a payment having the effect of reducing the income of the household below the need standard.

(7) This section is not applicable to payments collected prior to August 23, 1983.

**WSR 83-17-120**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2016—Filed August 24, 1983]

I, Raymond M. Ryan, Deputy Secretary, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd ch. 388-11 WAC Child support—Obligations.  
Amd ch. 388-14 WAC Support enforcement.

I, Raymond M. Ryan, 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 41, 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 August 24, 1983.

By Raymond M. Ryan  
Deputy Secretary

#### AMENDATORY SECTION (Amending Order 1605, filed 2/11/81)

WAC 388-11-011 DEFINITIONS. For purposes of this chapter and chapters 388-13 and 388-14 WAC, the following definitions shall apply:

(1) "Locate" ((for purposes of this chapter)) shall mean service of the notice and finding of financial responsibility in a manner prescribed by WAC 388-11-040.

(2) "Reasonable efforts to locate" shall mean any of the following actions taken on a case:

(a) Mailing of the notice and finding of financial responsibility by certified mail, return receipt requested to an address, reasonably believed by office of support enforcement to be a mailing address of the responsible parent; or

(b) Referral to a sheriff, other server of process or locate service or other agent or employee of the department for locate activities if the responsible parent is not located under subsection (1)(a) ((above)) of this section, or if no known mailing address exists but the information which office of support enforcement has, reasonably indicates that the responsible parent can be located; or

(c) When service cannot be accomplished, tracing activity as stated ((below)) as follows:

(i) Checking of local telephone directories and attempts by telephone or mail to contact the



applicant/recipient, applicant/custodian, relatives of the responsible parent, past or present employers, or the postal authorities when appropriate;

(ii) Contacting state agencies, union, financial, or fraternal organizations available on the local level to which the responsible parent is known to have had contact or membership.

(d) Referral to state parent locator service when tracing efforts under subsection (1)(c) (~~(above)~~) of this section are exhausted;

(e) Referral to the attorney general, a prosecuting attorney, or the Internal Revenue Service for specific legal or collection action.

(3) "The date the state assumes responsibility for the support of the dependent child or children on whose behalf support is sought" shall mean the date payment of an AFDC-R, AFDC-E, AFDC-FC or state only foster care grant is authorized, or September 1, 1979, whichever is later.

(4) "Department" means the state department of social and health services. (~~(For purposes of chapter 388-11 WAC, unless otherwise clearly indicated, "department" shall mean the chief, office of support enforcement or his designee.)~~)

(5) "Secretary" means the secretary of the department of social and health services, or the secretary's designee or authorized representative (~~(which for purposes of chapter 388-11 WAC shall mean the designee of the secretary, the chief, office of hearings or his designee))~~).

(6) "Hearing examiner" shall mean the (~~(hearing examiner))~~ administrative law judge employed by the (~~(department of social and health services who hears))~~ office of administrative hearings hearing the testimony and (~~(makes))~~ making the initial decision under chapter 388-11 WAC.

(7) "Dependent child" means any person under the age of twenty-one (~~(who is))~~ not otherwise emancipated, self-supporting, married, or a member of the armed forces of the United States.

(8) "Superior court order" means any judgment or order of the superior court of the state of Washington ordering payment of a set or determinable amount of support moneys, or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys. Orders of the superior court (~~(which fail))~~ failing to expressly require payment of support by a responsible parent or orders (~~(which fail))~~ failing to specifically relieve the responsible parent of the support obligation shall not constitute a superior court order.

(9) "Responsible parent" means the natural parent, adoptive parent, or stepparent of a dependent child.

(10) "Stepparent" means the present spouse of the person who is either the mother, father, or adoptive parent of a dependent child, and such status shall exist and continue as provided for by RCW 26.16.205 until the relationship is terminated by death or dissolution of marriage.

(11) "Support moneys" means any moneys paid to satisfy a support obligation whether denominated as child support, spouse support, alimony, maintenance, or

any other such moneys intended to satisfy an obligation for support of any person or satisfaction in whole or in part of arrears or delinquency on such an obligation.

(12) "Future" support or "future and current" support or "future/current" support shall mean support moneys paid to satisfy the support obligation for the instant or present month as opposed to satisfaction of support obligations owed for previous and past months which, having been unpaid, are delinquent.

(13) "Debt," "arrears," "delinquency," "past support," shall all mean the amount owed for a period of time prior to the instant month, but is owed for a period of time in the past.

(14) "Need" means the necessary costs of food, clothing, shelter, and medical attendance for the support of a dependent child or children.

(15) "Good cause" means (~~(that))~~ there is substantial reason or legal justification for delay, including a showing of those grounds enumerated in RCW 4.72.010 and CR60 and allegation is made of a defense under WAC 388-11-065.

(16) "Assignment pursuant to RCW 74.20A.040" shall mean the assignment made by an applicant/custodian of support rights pursuant to WAC 388-14-310.

(17) Fraud for the purposes of WAC 388-11-115 means:

(a) The representation of the existence or nonexistence of a fact;

(b) Its materiality;

(c) Its falsity;

(d) The speaker's knowledge of its truth;

(e) (~~(his/her))~~ His or her intent that (~~(is))~~ it should be acted on by the person to whom it is made;

(f) Ignorance of its falsity on the part of the person to whom it is made;

(g) The latter's reliance on the truth of the representation;

(h) (~~(his/her))~~ His or her right to rely upon it; and

(i) (~~(his/her))~~ His or her subsequent damage.

#### AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-11-065 RESPONSIBLE PARENT TO SHOW CAUSE—AFFIRMATIVE DEFENSES—BURDEN OF PROOF. At the hearing held pursuant to WAC 388-11-060, the responsible parent shall show cause, if any there be, why the finding of financial responsibility and/or the amount prayed for therein is inaccurate, and why the hearing examiner should not enter an initial decision and order as prayed for in said notice and finding of financial responsibility but should either rescind or modify the same. In said show cause hearing, the responsible parent shall state affirmatively and shall have the burden of proving:

(1) Estoppel;

(2) Payment;

(3) Release;

(4) Superior court order;

(5) Lack of eligibility in the receipt of public assistance funds paid to or for the benefit of the responsible parent's minor child or children: PROVIDED, That lack



of eligibility shall operate as a defense only as to debt accrued prior to September 1, 1979: PROVIDED(;) FURTHER, That lack of eligibility shall operate as a defense to a responsible parent's liability to repay the department only to the extent the amount of ineligibility proven in any one month exceeds the difference between the total grant for that month and the amount of the support liability determined for that month;

(6) ~~((That))~~ The applicant is not a responsible parent;

(7) Inability to pay the amount determined;

(8) Lack of need and/or debt pursuant to RCW 26.16.205: PROVIDED, That the amount determined by reference to the schedule of suggested minimum contributions in WAC 388-11-190, based on the earnings, resources, and property of the responsible parent shall be a rebuttable presumption of the responsible parent's ability to pay and the need of the family on whose behalf action is being taken. If said presumption is rebutted, the office of support enforcement shall be afforded reasonable opportunity to present evidence of actual need with the right to a continuance on request to present said evidence: PROVIDED FURTHER, Said rebuttable presumption shall apply whether or not the child or children are recipients of or applicants for public assistance. The responsible parent shall be presumed to have no ability to pay from income received from AFDC, SSI, or continuing general assistance;

(9) Discharge in bankruptcy, ~~((and))~~

(10) The responsible parent, pursuant to chapter 74.20 RCW, should be excused from making support payments for the child or children, receiving or on whose behalf public assistance was provided under chapter 74.12 RCW, because the responsible parent is the legal custodian of the child or children and has been wrongfully deprived of physical custody of the child or children.

The responsible parent may only be excused from making support payments for the period or periods during which the responsible parent was wrongfully deprived of custody. In order to be excused from making support payments, the responsible parent must show:

(a) A court of competent jurisdiction of this state or another state has entered an order giving legal and physical custody of the child or children to the responsible parent;

(b) The custody order has not been altered, changed, modified, superseded, or dismissed;

(c) The child or children were taken or enticed from the physical custody of the responsible parent without his or her consent, and the responsible parent has not subsequently assented to being deprived of physical custody of the child or children; and

(d) The responsible parent, within a reasonable time of the date the responsible parent was wrongfully deprived of physical custody of the child or children, exerted and has continued to exert reasonable efforts to regain physical custody of the child or children; and

(11) Any other matter constituting an avoidance or affirmative defense to the notice and finding of financial responsibility.

Except as provided for in chapter 388-08 WAC for discovery, the hearing examiner or review examiner shall

not require the office of support enforcement to produce or obtain information, documents, or witnesses to assist the responsible parent in proof of defenses raised pursuant to WAC 388-11-065 except for that nonconfidential information or documents which the office of support enforcement has in its possession.

#### AMENDATORY SECTION (Amending Order 1465, filed 12/14/79)

WAC 388-14-020 DEFINITIONS. (1) The terms "applicant/recipient(~~(-)~~)," "applicant(~~(-)~~)," or "recipient" include the caretaker relative, the children, and any other individual whose needs are considered in determining the amount of assistance. See also WAC 388-22-030.

(2) The term "applicant/custodian" shall designate the individual who is the physical and legal custodian of any ~~((person(s)))~~ person or persons on whose behalf an application for nonassistance support enforcement services has been made to the office of support enforcement pursuant to RCW 74.20.040 and 74 U.S.C. 654(6) or 42 U.S.C. 657(C)(1)(2).

(3) The term "absent parent" shall designate that person who:

(a) Is not the physical custodian of the child; and

(b) Is a natural, or adoptive parent, or a stepparent ~~((who owes))~~ owing a legal duty to support said child or children on whose behalf an application has been made for payment of public assistance or application has been made for nonassistance support enforcement services.

(4) "Putative father" as used in this section shall include any and all men who may possibly be the father of the ~~((child(ren)))~~ child or children on whose behalf the application for assistance or support enforcement services may be made. See also WAC 388-14-200(2)(c).

(5) "Aid" means aid to families with dependent children or AFDC foster care.

(6) "Title IV-D" refers to Title IV-D of the Social Security Act established under Title XX of the social security amendments and as incorporated in 42 U.S.C. (602).

(7) "Title IV-D plan" refers to a plan established under the conditions of Title IV-D approved by the secretary, Department of ~~((education))~~ Health and ~~((welfare))~~ Human Services.

(8) The "required support obligation for the current month" is defined as the amount of a superior court order for support or the periodic future support amount determined pursuant to chapter 388-11 WAC which is or will be owing for the current month.

(9) "Incentive payments" are payments distributed pursuant to WAC 388-14-370 to prosecuting attorneys or other political subdivision on the basis of enforcement and collection of support payments.

(10) "Secretary" means the secretary of the department of social and health services, ~~((his/her))~~ his or her designee or authorized representative, which for all purposes as used in chapter 74.20A RCW shall mean the designee of the secretary, the chief, office of support enforcement or his designee, except as is provided for in WAC 388-11-011(5) wherein for purposes of RCW 74.20A.055 "secretary" has another meaning.

(11) "Family" shall mean the person or persons on behalf of whom support is sought which unit may include a custodial parent or other person and one or more children or a child or children in foster care placement.

(12) "Residential care" means foster care as defined in WAC 388-70-012.

(13) "Head of household" means the responsible parent or parents with whom the dependent child or children were residing at the time of placement in foster care.

**AMENDATORY SECTION** (Amending Order 1054, filed 9/25/75)

WAC 388-14-350 LOCATION OF ABSENT PARENTS. (1) The office of support enforcement shall maintain a service to locate absent parents utilizing all sources of information and available records in this state or in other states, and the parent locator service in the Department of Health(~~(-education))~~ and (~~(welfare))~~ Human Services.

(2) The office of support enforcement will receive applications to undertake location activities for:

(a) Persons receiving public assistance in the state of Washington for the benefit of dependent children.

(b) Any agency or attorney of any state seeking to collect support obligations pursuant to an agreement entered into with the office of support enforcement under the state plan; or a court (~~(which has))~~ having authority to issue an order against an absent parent for the support and maintenance of a child; or the resident parent, legal guardian, attorney or agent of a child who is not receiving public assistance in the state of Washington for application to use the federal parent locator service.

(c) The IV-D agency of another state to locate an absent parent who is in the state of Washington.

(d) Authorized persons as defined in 45 C.F.R. 303.15 to use the federal parent locator service in connection with parental kidnapping or child custody cases.

(3) Referrals at a minimum must include the absent parent's name, and, if known, the absent parent's social security number, whether the absent parent is or has been a member of the armed services, whether the absent parent is receiving or has received any federal compensation or benefits, and any other information which might assist in location activities. In addition, the referral must include a request to be transmitted to the federal parent locator service which request must be (~~(counter-signed))~~ countersigned by the chief, office of support enforcement, or his or her designee requesting the information and attesting that:

(a) The request is being made to locate an individual for the purpose of establishing paternity ((or)), securing support, or in connection with parental kidnapping or child custody cases, and for no other purpose,

(b) (~~(that))~~ Any information obtained from the parent locator service shall be treated as confidential; and

(c) (~~(that))~~ The certifying agency will take protective measures to safeguard personal information received from the parent locator service.

(4) Locate requests to the parent locator service of the state of Washington by a IV-D agency of another state

pursuant to (~~(subdivision))~~ subsection (2)(c) of this section shall, after unsuccessful but diligent and reasonable efforts to locate, be returned to the IV-D agency of origin for action as appropriate including referral to the federal parent locator service.

(5) The office of support enforcement, after utilizing local and state resources, will submit remaining referrals after sixty days to the federal parent locator service or to another IV-D parent locator service as appropriate.

(6) The office of support enforcement is authorized to enter into arrangements and otherwise cooperate with the secretary, Department of Health(~~(-education))~~ and (~~(welfare))~~ Human Services in carrying out the purposes of 42 U.S.C. 653, including collection of fees for utilizing the federal parent locator service.

**NEW SECTION**

WAC 388-14-390 PETITION FOR HEARING WHEN COLLECTION ACTION IS INITIATED AGAINST A BANK ACCOUNT—EXEMPTIONS—BURDEN OF PROOF. If the department initiates collection action against a bank account, the responsible parent or the joint owner of record of the bank account may petition the secretary or the secretary's designee for a hearing. The petition shall be served upon the office of support enforcement by registered or certified mail or personally within twenty days of the date a copy of the order to withhold and deliver was either mailed to or served upon the responsible parent pursuant to RCW 74.20A.080 or a written notice of the collection action was mailed by certified mail to the last known address of the joint owner of record of the account. The petition shall state the facts supporting the allegation by the responsible parent or the joint owner that the funds in the account, or a portion of those funds, are exempt from satisfaction of the child support obligation of the responsible parent.

On the petition of the responsible parent, the joint owner of record, or OSE, a hearing shall be scheduled solely for the purpose of determining whether or not one of the following exemptions applies to the funds in the bank account:

(1) Pursuant to RCW 26.16.200 and RCW 74.20A-.120, the funds in the community bank account, or a portion of those funds which can be identified as the earnings of the spouse not owing a support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

(2) The funds in a bank account, or a portion of those funds which can be identified as AFDC funds, SSI monies, or other kinds of funds having been legally exempted from collection action, are exempt from satisfaction of the child support obligation of the responsible parent.

(3) The funds in a bank account which can be identified as being solely owned by the joint owner of record of the bank account not owing a child support obligation to the child or children of the responsible parent, are exempt from satisfaction of the child support obligation of the responsible parent.

The burden of tracing the funds and proving the funds in the bank account are exempt from satisfaction of the child support obligation of the responsible parent is on the responsible parent or the joint owner of record.

The secretary or the secretary's designee shall notify the parties or their designated representatives of the date, time, and place of the hearing at least twenty days prior to the scheduled date of the hearing by written notice to the parties or their representatives by registered or certified mail. If the parties waive their right to twenty days' notice of the hearing and request the hearing be scheduled on an expedited basis, however, the hearing shall be scheduled within fifteen days of the receipt of the petition for hearing and notice of the hearing shall be mailed to the parties not less than seven days prior to the scheduled date of the hearing. If the time, date, or place is inconvenient to either party, the hearing shall grant a new time, date, or place as is reasonably convenient upon a showing of good cause.

Moneys withheld as a result of collection action initiated against a bank account and delivered to the office of support enforcement at the time of the granting of a request for hearing shall be held by the office of support enforcement pending final order of the secretary or during the pendency of any appeal to the courts.

If the final decision of the department or courts on appeal is that the department has caused funds in a bank account that are exempt from satisfaction of the child support obligation of the responsible parent to be withheld by the bank or delivered to the department, the office of support enforcement shall promptly release the order to withhold and deliver or refund the proportionate share of the funds having been identified as being so exempt. No interest shall accrue or be payable by the department on any moneys withheld pursuant to RCW 74.20A.080.

#### NEW SECTION

WAC 388-14-395 LIMITATION ON COLLECTION OF SUPPORT PAYMENTS FROM HEAD OF HOUSEHOLD—REQUEST FOR CONFERENCE BOARD—BURDEN OF PROOF. (1) Whenever the department provides residential care for a dependent child or children, the responsible parent or parents shall satisfy their obligation to support such child or children by paying to the department the amount specified in a court order when there is a superior court order for support, or by paying the amount determined under RCW 74.20A.055.

(2) The office of support enforcement is responsible on behalf of the department for taking action under the provisions of chapters 74.20 and 74.20A RCW and this chapter to enforce and collect support obligations as to children receiving residential care paid for by the department.

(3) The department may not collect and retain a support payment or a portion thereof in a given month for a dependent child or children for whom the department is providing residential care from a responsible parent who is the head of household if the income, as defined in

RCW 74.04.005, for that month of the head of household and the remaining dependents was below or the effect of the support collection was to reduce the income of the household below the need standard for aid to families with dependent children. The obligation of the head of household to provide support for the child or children receiving residential care, however, will continue to accrue during any month the department is precluded from collecting and retaining support payments under this section.

(4) If the department has collected support payments from the head of household during a month or months where the income of the household was below or the effect of the collection was to reduce the income of the household below the need standard, the head of household may request, in writing, a conference board in accordance with WAC 388-14-385.

(5) The head of household has the burden of proving at the conference board that the income of the household was below or was reduced below the need standard during the month or months payments were collected.

(6) If the conference board determines the department has collected support payments from the head of household that the department is not entitled to retain in accordance with this section, the office of support enforcement shall promptly refund, without interest, any such support payments, or the portion of such a payment having the effect of reducing the income of the household below the need standard.

(7) This section is not applicable to payments collected prior to August 23, 1983.

**WSR 83-17-121**  
**PROPOSED RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Filed August 24, 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 director empowered to designate department lands where conservation licenses must be displayed, adopting WAC 232-12-297;

that the agency will at 9:00 a.m., Monday, October 3, 1983, in the Everett Holiday Inn, I-5 128th S.W., Everett, WA 98204, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 1983.

The authority under which these rules are proposed is RCW 77.04.020.

The specific statute these rules are intended to implement is RCW 77.32.380 and 77.32.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 30, 1983.

Dated: August 24, 1983

By: Robert B. Rasmussen

Division Administrator, Wildlife Enforcement

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-297 Director empowered to designate department lands where conservation licenses must be displayed.

Statutory Authority: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.32.280 and 77.32.010.

Summary of the Rule: Adoption of the proposed rule will authorize the director of game to designate department lands where conservation licenses are required to be displayed on vehicles.

Reasons Supporting the Proposed Rule(s): Authorizes the director to designate department lands as it relates to display of conservation licenses.

The Agency Personnel Responsible for Drafting: David L. Schultz, Program Manager, Wildlife Enforcement Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740; Implementation: James R. Carlin, Game License Supervisor, Financial Services Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5740; and Enforcement: Robert B. Rasmussen, Division 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 as a result of federal regulations or state court action.

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 232-12-297 DIRECTOR EMPOWERED TO DESIGNATE DEPARTMENT LANDS WHERE CONSERVATION LICENSES MUST BE DISPLAYED. In accordance with provisions of R.C.W. 77.04.020 and R.C.W. 77.32.010 the authority of the commission is delegated to the director to designate department lands where conservation licenses are required to be displayed on vehicles, provided department lands designated for this purpose shall be:

- (1) Clearly identified and/or
(2) Listed in the current fishing, hunting and trapping pamphlets.

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 83-17-122
PROPOSED RULES
GAMBLING COMMISSION
[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-04-

020, 230-04-050, 230-04-060, 230-04-140, 230-04-145, 230-12-050, 230-20-170 and new section WAC 230-20-125;

that the agency will at 10:00 a.m., Thursday, October 13, 1983, in Terrace Rooms A-B, Ridpath Hotel, Spokane, 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 9.46.070(1), (7), (11), (14) and (17).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 13, 1983.

Dated: August 23, 1983
By: Elwin Hart
Deputy Director

STATEMENT OF PURPOSE

Title: Amendment to WAC 230-04-020 Application procedure; amendment to WAC 230-04-050 Qualified bona fide charitable and nonprofit organization qualifications; amendment to WAC 230-04-060 Required information; amendment to WAC 230-04-140 Licensing of public card room employees; amendment to WAC 230-04-145 Licensing of managers of bingo games; amendment to WAC 230-12-050 No credit to be allowed; new section WAC 230-20-125 Bingo complimentary merchandise gifts; and amendment to WAC 230-20-170 Bingo operation date limitations.

Description of Purpose: Amends current rules to: Delete subdivision of cities or towns from list of organizations eligible for gambling license; require dissolution statements which would distribute assets to other nonprofit or charitable organizations; prevent employees with certain criminal history backgrounds from commencing work upon submission of application; authorize bingo complimentary merchandise gifts of limited value; and change definition of bingo occasion.

Statutory Authority: RCW 9.46.070(1), (7), (11), (14) and (17).

Summary of Proposed Rules and Reasons Supporting Action: Amendment to WAC 230-04-020, proposed by staff to delete subdivisions of cities and towns from list of organizations eligible for gambling license. See below; amendment to WAC 230-04-050, deletes subdivisions of cities or towns from list of organizations eligible for gambling license; also requires dissolution statement distributing assets to other nonprofit or charitable organizations if gambling revenue exceeds other revenues. Proposed by staff to preclude multiple internal units of municipality from obtaining gambling license and to comply with statutory prohibition against inurement to individuals; amendment to WAC 230-04-060, proposed by staff to delete subdivisions of cities and towns from list of organizations eligible for gambling license. See above; amendment to WAC 230-04-140, amends current rule to include previous revocation and certain criminal backgrounds as grounds for not permitting employee to commence work upon submission of application. Proposed by staff to comply with statutory requirement; amendment to WAC 230-04-145, amends

current rule to include certain criminal backgrounds as grounds for not permitting applicant to commence work upon submission of application. Proposed by staff to comply with statutory requirement; amendment to WAC 230-12-050, current rule prohibits credit or gifts. Small complimentary gifts to bingo participants would be authorized by WAC 230-20-125 requiring amendment to this rule; new section WAC 230-20-125, permits licensees to provide complimentary gifts not to exceed \$2.00 in value to participants on special occasions. Reconsideration of rule requested by Seattle Jr. Hockey Association and endorsed by Bingo Study Committee; and amendment to WAC 230-20-170, redefines bingo occasion from twelve to sixteen consecutive hours. Proposed by Seattle Jr. Hockey Association and endorsed by Bingo Study Committee.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, Elwin Hart, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-0865 scan, 753-0865 comm.

Proponents and Opponents: Gambling Commission staff and licensee indicated above proposed these rule amendments and new rules.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

#### AMENDATORY SECTION (Amending Order 60, filed 9/10/76)

WAC 230-04-020 APPLICATION PROCEDURE. (1) Applicants for license from the commission shall submit applications to the office of the commission in Olympia. The information requested on the appropriate application form is required to be submitted by each applicant for a license.

(2) The application shall be signed under oath by the highest ranking executive officer of a charitable, nonprofit or profit seeking corporation, such as the president of a firm or club or the head pastor or minister of a church; or by the principal owner of a profit seeking business. Other persons, including but not limited to, the chairman of a board of directors or trustees, the person in charge of the financial records, or persons having a substantial interest in the applicant business and/or charitable nonprofit organization, may at the commission director's discretion be required to sign the application. When the application is being submitted by or on behalf of an incorporated city or town in the state of Washington (~~or a subdivision thereof~~), the application must be signed by the mayor or the mayor's designated representative (~~the city manager, or the person in charge of the subdivision~~).

(3) Each such person shall acknowledge that he assumes full responsibility for the fair and lawful operation of all licensed activities that the applicant conducts.

(4) The commission will consider only those applicants submitting the form and fully completing all the applicable portions of the form. Each applicant shall certify under oath that the information set forth in the application and any accompanying materials is true, accurate and complete.

(5) The application form and all information set forth therein and all supplemental information submitted at the commission's request, except statements as to arrests of any person, shall constitute public records and the entire contents thereof may, at the discretion of the commission, be disclosed to the public or discussed at the public meetings of the commission.

(6) The commission shall issue the license applied for only after it is satisfied that the applicant is qualified to operate the activity for which

the license is being requested. The commission may refrain from issuing the license until the completion of such review and investigation as it deems necessary into the propriety of granting the license.

#### AMENDATORY SECTION (Amending Order 117, filed 1/22/82)

WAC 230-04-050 QUALIFIED BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATION QUALIFICATIONS. Qualified bona fide charitable or nonprofit organizations, including qualified agricultural fairs, to which licenses may be issued by the commission shall be limited to the following organizations only as provided by RCW 9.46.020(3):

(1) Any organization duly existing under the provisions of chapter 24.12 RCW. That chapter deals only with certain leaders of a church or religious organization who, pursuant to the provisions of that chapter, have become a corporation sole.

(2) Any organization duly existing under the provisions of chapter 24.20 RCW. That chapter deals with certain fraternal societies.

(3) Any organization duly existing under the provisions of chapter 24.28 RCW. That chapter deals with granges.

(4) Only those charitable or nonprofit organizations, whether incorporated or not, which are organized and operating for one or more of the following purposes only:

- (a) Charitable
- (b) Benevolent
- (c) Eleemosynary
- (d) Educational
- (e) Civic
- (f) Patriotic
- (g) Political
- (h) Social
- (i) Fraternal
- (j) Athletic
- (k) Agricultural.

(5) Any agricultural fair authorized under the provisions of chapter 15.76 or 36.37 RCW.

(6) Any corporation which has been incorporated under Title 36 U.S.C. and whose principal purposes are to furnish volunteer aid to members of the armed forces of the United States and also to carry on a system of national and international relief and to apply the same in mitigating the suffering caused by pestilence, famine, fire, floods, and other national calamities and to devise and carry on measures for preventing the same.

(7) A branch or chapter of a parent organization, which parent organization is itself eligible for licensure, must demonstrate to the satisfaction of the commission that the branch or chapter was not established and is not and will not be organized and operated with the evasion of the limitations of state law or commission rule on the operation of gambling activities as one of its purposes. The branch or chapter must be organized and operating for one of the purposes set out above and be otherwise qualified to obtain the license sought. The director may require an affidavit signed by the chief executive officers of the parent organization certifying that the branch or chapter is a bona fide subdivision of the parent organization.

(8) An incorporated city or town in the state of Washington (~~or subdivision thereof~~).

(9) Each applicant shall be required to provide in its by-laws and, if incorporated, in its Articles of Incorporation, a statement of dissolution which requires that all assets of the organization remaining upon dissolution after satisfying its debts be distributed to another bona fide nonprofit or charitable organization which has been granted IRS exemption, unless otherwise exempted from this requirement by the commission.

(10) Each applicant must be organized and operated primarily for purposes other than the operation of gambling activities, in the opinion of the commission, to be eligible for a license to conduct any authorized gambling activity.

#### AMENDATORY SECTION (Amending Order 124, filed 7/9/82)

WAC 230-04-060 REQUIRED INFORMATION. In addition to other information required by the commission, each applicant shall provide the following information on or attached to the application:

(1) Copy of corporate applicants' articles of incorporation and by-laws; or, if not a corporation, a copy of any by-laws and other documents which set out the organizational structure and purposes of the organization;

(2) A copy of a nonprofit or charitable applicant's internal revenue service tax exemption letter if one has been obtained;

(3) Details and copies of all lease or rental arrangements, whether oral or written, between the applicant and the owner of premises upon which the gambling activity will be conducted, if such premises are leased or rented;

(4) Details and copies of any and all franchise agreements or other agreements, whether written or oral, if any, between the applicant and distributors or manufacturers of equipment or between the applicant and any other person where those agreements relate to gambling activities or gambling equipment;

(5) The name, address, date of birth, and social security number of each paid employee or agent who will work in the activity for which the license is sought;

(6) For each person listed below, a completed copy of the commission's form entitled "personal information form:"

(a) Each person who has a substantial interest in the applicant;

(b) Each person who is the chief executive officer, the chairman of a board, and the financial records officer of a corporation and/or bona fide nonprofit charitable organization;

(c) Each person who will serve in a supervisory capacity over those persons in the direct management or direct operation of the activity for which the license is sought;

(7) If the applicant is a natural person, a completed copy of the commission's "personal information form" respecting the applicant;

(8) When information filed with the commission becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in circumstances of the licensee, applicant, or any other persons since the information was filed, the applicant or licensee shall submit full details of any such change and/or correct any inaccuracy, together with copies of any new required documents, with the commission within 30 days following the change: PROVIDED, That with respect to bona fide charitable and/or bona fide nonprofit organizations only, notice need not be given of changes of officers until required renewal time(s) for a particular license(s). If other information required to be submitted under all other sections of this rule and/or other information required on the application, changes or becomes inaccurate in any way, the commission shall be notified as required in this subsection. All officers of (( $\sigma$ )) bona fide charitable and/or bona fide nonprofit organizations, upon signing the original and/or renewal application(s) for licensure, shall obligate the organization to the fair and lawful operation of all gambling activities for that license year or until renewal time of another license held by the organization or an additional license is applied for, whichever is sooner, regardless of any change(s) in the roster of elected officers during that license period.

(9) Sections (1), (2), and (6) shall not apply to applications by or ((m)) on behalf of an incorporated city or town in the state of Washington ((~~or a subdivision thereof~~)).

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

#### AMENDATORY SECTION (Amending Order 98, filed 2/25/80)

WAC 230-04-140 LICENSING OF PUBLIC CARD ROOM EMPLOYEES. (1) No person shall act as a public card room employee unless he or she has either received a license to do so from the commission or, if:

(a) ((t))The commission has not previously revoked a license or denied an application by that person for such a license, and

(b) ((h))He or she has properly applied for such license. If there has been such a previous denial or revocation, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158, that person shall not act as a public card room employee unless he or she has been issued a license by the commission.

(2) On or before the first day he or she actually performs work as a public card room employee, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission): PROVIDED, That the requirements of this section shall not apply to

persons employed in a public card room operating under a Class B or Class D license only.

(3) A sole owner, partner, major officer and/or owner of a substantial interest in a corporation licensed to operate a public card room shall not be required to be additionally licensed as a public card room employee to perform duties in connection with the card room. Except as provided in this section, an operator of a public card room shall not employ any unlicensed person to perform duties for which a license is required in or in connection with a public card room, and shall take all measures necessary to prevent an unlicensed person from doing so.

(4) The operator of a public card room or partner or officer of the entity operating the card room for which the applicant will work shall sign the original application for license of each such public card room employee acknowledging that the applicant will be working for that operator with the operator's knowledge and consent.

#### AMENDATORY SECTION (Amending Order 113, filed 10/15/81)

WAC 230-04-145 LICENSING OF MANAGERS OF BINGO GAMES. No person shall act as a bingo game manager on or after February 1, 1982, unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for a license, or the commission has not previously revoked a license issued to that person, he or she has properly applied for such license. If there has been a previous denial of an application and/or revocation of a license, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158 that person shall not act as a bingo game manager unless he or she has been issued a license to do so by the commission. See WAC 230-02-418 for the definition of a "bingo game manager."

On or before the first day he or she actually performs work as a bingo game manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission).

Except as provided in this section, an operator of a bingo game shall not allow any unlicensed person to perform duties for which a license is required in or in connection with a bingo game and shall take all measures necessary to prevent an unlicensed person from doing so.

The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application for license of each bingo game manager acknowledging that the applicant will be working for that bingo licensee with the bingo licensee's knowledge and consent.

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

#### AMENDATORY SECTION (Amending Order 51, filed 4/30/76)

WAC 230-12-050 NO CREDIT TO BE ALLOWED. No licensee, or any of its members or employees, or any operator, conducting, or in any way participating in the conduct of any of the activities which are authorized by RCW 9.46.030 or by commission rule, shall allow a person to play that activity on credit, or shall grant a loan or gift of any kind at any time to a person playing the activity except as authorized by WAC 230-20-125. When a person is charged consideration for the privilege of playing the activity that consideration shall be collected in full, by cash or check, in advance: PROVIDED, That the consideration paid for the opportunity to play a punchboard or pull tab series may be collected immediately after the play is completed only when such consideration is five dollars or less: PROVIDED FURTHER, That where a bona fide charitable or bona fide nonprofit organization conducting any of the activities authorized by RCW 9.46.030 or commission rules has a regular billing system for all of the activities of its members with such organization, such billing system may be utilized in connection with the playing of any of the activities authorized hereunder if:

(1) The playing of such activity is limited to regular members of such organization who have become regular members prior to the



commencement of such activity and whose qualifications for membership were not dependent upon, or in any way related to, the playing of such activity; and

(2) The commission has given its prior written consent to the use of such billing system in connection with the conduct of activities authorized under these rules.

#### NEW SECTION

WAC 230-20-125 BINGO COMPLIMENTARY MERCHANDISE GIFTS. No licensee shall provide free complimentary gifts to bingo participants except under the following circumstances:

- (a) Complimentary merchandise gifts shall be limited to twelve occasions per license year;
- (b) The retail value or cost to the licensee of a single merchandise gift shall not exceed \$2.00;
- (c) There shall be a limit of one gift per person per session;
- (d) No cash gifts shall be given to participants; and
- (e) A record shall be kept listing the date of the occasion, a description of the gifts, cost per gift, number of gifts purchased and number of gifts given away; such records shall be supported by proper documents and kept for a period of not less than 3 years from the end of the fiscal year for which the record is kept.

#### AMENDATORY SECTION (Amending Order 134, filed 6/14/83)

WAC 230-20-170 BINGO OPERATION DATE LIMITATIONS. (1) No bona fide charitable or nonprofit organization, except when operating at an authorized agricultural fair or under RCW 9.46.030(3), shall:

- (a) Conduct or allow its premises to be used for conducting bingo on more than three occasions per week;
- (b) Conduct bingo in any location which is used for conducting bingo on more than three occasions per week.
- (2) As used herein, the word "occasion" shall mean conducting bingo games for no more than ~~(twelve)~~ sixteen consecutive hours, which shall begin when the first number for the first game is called until the last winning number on the final winning bingo card has been verified. Further, a "session" shall be defined as a continuous series of bingo games with no breaks other than short intermission breaks.

**WSR 83-17-123**  
**NOTICE OF PUBLIC MEETINGS**  
**STATE BOARD**  
**OF EDUCATION**  
 [Memorandum—August 24, 1983]

The State Board of Education schedule of meeting dates and locations for the 1983 calendar year, filed with the state code reviser on May 21, 1982, has been amended to change the location of the October 6-7, 1983, meeting from the State Modular Office Building, 7510 Armstrong Street S.W., Tumwater, Washington, to the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington.

The meeting will convene at 9:00 a.m. in the new location on the dates designated.

**WSR 83-17-124**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Filed August 24, 1983]

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

concerning practice and procedures, chapter 180-08 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 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 October 6, 1983.

Dated: August 24, 1983

By: Monica Schmidt  
 Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-08 WAC, Practice and procedures.

Rule Section(s): WAC 180-08-003 Authority; and 180-08-005 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 180-08-003 Authority, sets forth authority for chapter; and 180-08-005 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 180-08-003 AUTHORITY. The authority for this chapter is RCW 34.04.020 which authorizes the state board of education to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.04 RCW.

#### AMENDATORY SECTION (Amending Order 8-81, filed 7/28/81)

WAC 180-08-005 ADMINISTRATIVE PRACTICES REGARDING HEARINGS AND RULE PROCEEDINGS. The state board of education is governed by the state Administrative Procedure 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 state board of education; 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 state board of education 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 state board of education may be conducted informally at the discretion of the state board of education.

**WSR 83-17-125**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Preliminary provisions, chapter 180-25 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983

By: Monica Schmidt  
Secretary

**STATEMENT OF PURPOSE**

Rule: Chapter 180-25 WAC, State assistance in providing school plant facilities—Preliminary provisions.

Rule Section(s): WAC 180-25-005, Authority; 180-25-010, Purpose; 180-25-015, Definition—School facilities; 180-25-020, District notice of intent—Study and survey; 180-25-025, State study and survey—Content; 180-25-030, State study and survey—Local involvement; 180-25-035, State study and survey—State Board of Education review; 180-25-040, State study and survey—State Board of Education approval or denial; 180-25-045, Approval criteria for state assistance; and 180-25-050, District authority to proceed.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-25-005, cites authority; 180-25-010, required preliminary planning steps; 180-25-015, defines "school facilities"; 180-25-020, requires district to submit an application to undertake a facilities project and request superintendent of public instruction to study and survey existing and proposed facilities including facilities within the district and where applicable, facilities in

neighboring districts prior to applying for state assistance; 180-25-025, lists items to be included in study and survey by superintendent of public instruction; 180-25-030, authorizes superintendent of public instruction to provide financial assistance to help district comply with requirements of study and survey and sets out formula for such assistance; 180-25-035, requires superintendent of public instruction to transmit study, survey, and any recommendations to school district for written comment; when district provides written comment, requires superintendent of public instruction to transmit study, survey, recommendations and district comment to state board of education; 180-25-040, requires state board of education to grant or deny financial assistance for school construction; 180-25-045, defines "unhoused students" but excludes from the definition high school students in a district with a 9-12 enrollment of 400 or less when the one-way commuting distance between the applicant high school and a neighboring high school is less than 10 miles for a majority of the applicant school students and the neighboring high school has capacity and indicated a willingness to serve such students; establishes the following criteria for approval of financial assistance: (1) A district has unhoused students, and (2) a district has ability to provide local effort; and 180-25-050, authorizes district to complete educational specifications, select a site, select and employ a design team, and obtain capital funds, if necessary, after complying with this section.

Reasons Which Support the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minnitti, SPI, 753-6702.

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 state policies regarding school construction.

Chapter 180-25 WAC  
**STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—PRELIMINARY PROVISIONS**

**NEW SECTION**

WAC 180-25-005 AUTHORITY. This chapter is adopted pursuant to RCW 28A.47.830 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, 28A.47.801 through 28A.47.809.

**NEW SECTION**

WAC 180-25-010 PURPOSE. The purpose of this chapter is to set forth provisions applicable to a district's official application for state assistance in the construction of school facilities.



**NEW SECTION**

**WAC 180-25-015 DEFINITION—SCHOOL FACILITIES.** As used in this chapter, and in chapters 180-26 through 180-33 WAC, the term "school facilities" means school plant facilities, school plant projects, school buildings, common school facilities and the grounds as those terms are utilized in chapter 28A.47 RCW. Any structure not placed on a permanent foundation shall be excluded from this definition.

**NEW SECTION**

**WAC 180-25-020 DISTRICT APPLICATION—STUDY AND SURVEY.** Prior to state board of education consideration of state assistance in providing school facilities, the board of directors of a school district shall file with the superintendent of public instruction an application for each school facility project, whether new construction or modernization of an existing facility, and shall request the superintendent of public instruction to study and survey existing and proposed school facilities within the district.

**NEW SECTION**

**WAC 180-25-025 STATE STUDY AND SURVEY—CONTENT.** The study and survey to be conducted by the superintendent of public instruction with the cooperation of the local school district shall include the following:

- (1) An inventory and area analysis of existing school facilities within the district and the physical condition of such facilities;
- (2) A long-range educational and facilities plan setting forth the projected facility needs and priorities of the district based on the educational plan;
- (3) Demographic data including population projections and projected economic growth and development;
- (4) The ability of such district to provide capital funds by local effort;
- (5) The existence of a school housing emergency;
- (6) The need to improve racial balance and/or to avoid creation or aggravation of racial imbalance;
- (7) The type and extent of the school facilities required and the urgency of need for such facilities;
- (8) The need to modernize and/or replace school facilities in order to meet current educational needs and the current state building code;
- (9) A determination from data as to whether the district is eligible to receive funds from the state board of education for the construction and/or modernization of its school facilities;
- (10) A determination of the amount of space and the estimated state financial assistance the district is eligible to receive;
- (11) A determination of the district's time line for completion of the school facilities project;
- (12) An inventory of accessible unused or underutilized school facilities in neighboring school districts and the physical condition of such school facilities;
- (13) The need for adjustments of school attendance areas among or within such districts; and
- (14) Such other matters as the superintendent of public instruction deems pertinent to a decision by the state board of education in the allocation of funds for school facilities. Cooperation by the applicant school district in conducting the study and survey is a requisite for the superintendent of public instruction to complete the study and survey and to establish the eligibility of the district for state assistance in school facility construction.

**NEW SECTION**

**WAC 180-25-030 STATE STUDY AND SURVEY—LOCAL INVOLVEMENT.** When in the judgment of the superintendent of public instruction information is not readily available to complete the state study and survey, the superintendent of public instruction may approve a district's request for state assistance to offset all or a portion of the cost of acquiring such information. Such assistance shall be based on a variable flat grant for each enrollment category plus a variable per-pupil allocation based on the district's headcount enrollment (kindergarten students counted one-half) as reported annually on the first day of October and in accordance with the following schedule:

- 1 to 500—Minimum grant plus per-pupil allocation
- 501 to 3,000—Minimum grant plus per-pupil allocation
- 3,001 to 10,000—Minimum grant plus per-pupil allocation
- Above 10,000—Minimum grant plus per-pupil allocation

The dollar amount for the minimum grants and the per-pupil allocations for these categories shall be established annually by the state board of education.

**NEW SECTION**

**WAC 180-25-035 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION REVIEW.** The state study and survey, together with recommendations prepared by the superintendent of public instruction, if any, shall be transmitted to the board of directors of the school district(s) affected for written comment by such district or districts prior to transmittal of such study and survey to the state board of education. Once the superintendent of public instruction has received the written comments of the district(s) affected, the state study and survey and recommendations of the superintendent of public instruction, together with any written comments by the school district board of directors, shall be transmitted to the state board of education for review and action pursuant to WAC 180-25-040.

**NEW SECTION**

**WAC 180-25-040 STATE STUDY AND SURVEY—STATE BOARD OF EDUCATION APPROVAL OR DENIAL.** After review of the state study and survey, together with recommendations and comments, the state board of education shall in accordance with WAC 180-25-045 take one of the following actions:

- (1) Deny approval of state assistance for the construction and/or modernization of school facilities; or
- (2) Grant approval of state assistance for the construction and/or modernization of school facilities and state any conditions that may or may not be applicable.

**NEW SECTION**

**WAC 180-25-045 APPROVAL CRITERIA FOR STATE ASSISTANCE.** With the exception of interdistrict cooperative skill centers and interdistrict transportation cooperatives, the state board of education shall grant approval of state assistance for school facilities for a school district that demonstrates the following:

- (1) The existence of unhoused students which for the purpose of this section shall mean current or projected enrolled students who are in excess of the capacity calculated for existing facilities within the district pursuant to chapter 180-27 WAC: PROVIDED, That current or projected enrolled students shall not be designated as unhoused for a high school district of application which has a student enrollment of four hundred or less in grades nine through twelve, if the students involved or affected can be served without undue inconvenience in a neighboring school, or schools of larger size and the neighboring school district has indicated a willingness to serve, and has the capacity to house the applying district high school students;
- (2) The ability of the district to provide any necessary capital funds by local effort.

**NEW SECTION**

**WAC 180-25-050 DISTRICT AUTHORITY TO PROCEED.** Upon receipt of the state board of education approval, the school district is authorized to proceed as follows:

- (1) Complete the development of educational specifications pursuant to chapter 180-26 WAC.
- (2) Select a site and seek approval pursuant to chapter 180-26 WAC.
- (3) Obtain capital funds through a combination of bonds, authorized or currently collectible, and/or authorized excess levies for the building and capital projects fund which together or separately would provide the district's share of the local project.

**Headcount Enrollment Categories**

**WSR 83-17-126**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Educational specifications and site selection, chapter 180-26 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983

By: Monica Schmidt  
 Secretary

**STATEMENT OF PURPOSE**

Rule: Chapter 180-26 WAC, State assistance in providing school plant facilities—Educational specifications and site selection.

Rule Section(s): WAC 180-26-005, Authority; 180-26-010, Purpose; 180-26-015, Educational specifications; 180-26-020, Site conditions—Approval criteria; 180-26-025, Racial imbalance prohibition—Definition and approval criteria; 180-26-030, Site disapproval by superintendent of public instruction—Appeal; and 180-26-035, district authority to proceed.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-26-005, cites authority; 180-26-010, purpose, educational specifications and site selection; 180-26-015, requires school district to have educational specifications prepared; defines educational specifications; requires school district to submit educational specifications to superintendent of public instruction for review; requires superintendent of public instruction to send review comments to school district for review; requires school district to give consideration to superintendent of public instruction comments; 180-26-020, requires superintendent of public instruction to conduct an on-site review and evaluation of proposed sites for new construction and existing sites for modernization projects; establishes the following criteria the site must meet for approval: (1) That the site is free of all encumbrances; (2) that the size is sufficient; (3) that a limited subsurface investigation has been conducted; and (4) that the site has been approved by local authorities; 180-26-025, requires superintendent of public instruction not

to approve a site that creates a racial imbalance; defines racial imbalance; defines minority racial group; exempts schools on American Indian reservations; 180-26-030, requires superintendent of public instruction to state reasons for site disapproval in writing and send to school district; allows school districts to appeal disapproval to state board of education; prohibits approval criteria from waiver; 180-26-035, sets forth provisions for state assistance in the purchase of leased public land; and 180-26-040, authorizes districts to commence with design, complete energy conservation report and complete a value engineering study after complying with this chapter.

Reasons Which Support the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minnitti, SPI, 753-6702.

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 state policies regarding school construction.

**Chapter 180-26 WAC**

**STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—EDUCATIONAL SPECIFICATIONS AND SITE SELECTION**

**NEW SECTION**

WAC 180-26-005 AUTHORITY. This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allocations to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

**NEW SECTION**

WAC 180-26-010 PURPOSE. The purpose of this chapter is to set forth the procedure for educational specification development and site selection.

**NEW SECTION**

WAC 180-26-015 EDUCATIONAL SPECIFICATIONS. (1) Prior to commencing the design phase, the school district shall cause to be prepared educational specifications for the approved project. The educational specifications shall describe the educational activities that the proposed school facilities and grounds should support and the types of spaces and their relationships in order to accommodate program requirements.

(2) One copy of the educational specifications document, approved by the district board of directors, shall be submitted to the superintendent of public instruction for review and comment. The review by the superintendent of public instruction shall be based on the components of educational specifications published by the superintendent of public instruction in the School Facilities Development Procedures Manual. The comments of the superintendent of public instruction shall be transmitted to the district board of directors for its review. The board of directors shall give consideration to the comments of the

superintendent of public instruction but shall not be bound to adopt any of the recommendations or make any modification of its adopted educational specifications.

(3) This section shall not be applicable to the construction of inter-district transportation cooperatives or the additions to existing facilities of less than fifteen thousand square feet, unless combined with modernization.

#### NEW SECTION

**WAC 180-26-020 SITE CONDITIONS—APPROVAL CRITERIA.** The superintendent of public instruction shall conduct an on-site review and evaluation of a proposed site in the case of new construction and an existing site in the case of modernization. The superintendent of public instruction shall approve a site that meets the following conditions:

(1) The school district provides certification by legal counsel retained by the district that the property upon which the school facility is or will be located is free of all encumbrances that would detrimentally interfere with the construction, operation, and useful life of the school facility;

(2) The minimum acreage of the site shall be five usable acres and one additional usable acre for each one hundred students or portion thereof of projected maximum enrollment plus an additional five usable acres if the school contains any grade above grade six. In computing the minimum acreage of the site, the district may include public property in close proximity to the site if, as a matter of public policy the property is available for school purposes and the district is committed to using such facilities: **PROVIDED**, That a site consisting of less than the minimum usable acreage calculated as per the provisions of this subsection shall be approved by the state board of education if the district demonstrates the following:

(a) The health and safety of the students are not in jeopardy;

(b) The internal spaces within the proposed facility are adequate for the proposed educational program;

(c) The neighborhood in which the school facility is or will be situated is not detrimentally impacted by lack of parking for students, employees, and the public; and

(d) The physical education and recreational programs on the school site are compatible with less than the minimum prescribed acreage;

(3) The school district has retained the services of a geotechnical engineer for the purpose of conducting a limited subsurface investigation to gather basic information regarding potential foundation performance and a report has been reviewed by the school district board of directors;

(4) The site has been approved by the following agencies:

(a) The health agency having jurisdiction;

(b) The local planning commission or authority having jurisdiction; and

(c) The state department of ecology.

#### NEW SECTION

**WAC 180-26-025 RACIAL IMBALANCE PROHIBITION—DEFINITION AND APPROVAL CRITERIA.** The superintendent of public instruction shall not approve a site unless the applicant district provides assurances that its attendance policies for the proposed or modernized school facility will not create or aggravate racial imbalance within the boundaries of the applicant school district. For the purpose of this chapter, racial imbalance shall be deemed to exist where a school has an enrollment of any one minority racial group in excess of forty percent of the total enrollment in that school. A minority racial group is defined as a racial group consisting of lesser part or smaller number identified in relation to the total enrollment of children in the public schools of the state as reported to the superintendent of public instruction on Form P-105A, School Enrollment Report: **PROVIDED**, That this section shall not apply to public schools located on American Indian reservations.

#### NEW SECTION

**WAC 180-26-030 SITE DISAPPROVAL BY SUPERINTENDENT OF PUBLIC INSTRUCTION—APPEAL TO STATE BOARD OF EDUCATION.** For any site disapproved, the superintendent of public instruction shall state the reasons in writing to the board of directors affected. Such board may appeal the decision of the superintendent of public instruction to the state board of education but

the site approval criteria specified in WAC 180-26-020 and 180-26-025 shall not be waived.

#### NEW SECTION

**WAC 180-26-035 PURCHASE OF LEASED LAND FROM THE STATE OF WASHINGTON.** Site purchases authorized pursuant to chapter 79.01 RCW shall be classified as for the construction of common school facilities under chapter 28A.47 RCW and shall be payable out of the common school construction fund as otherwise provided for in RCW 28A.40.100 if the school district involved was under emergency school construction classification as established by the state board of education at any time during the period of its lease of state lands.

(1) The cost of the site, exclusive of surveys, tests, legal fees, etc., shall be eligible for state assistance consideration by the state board of education. The maximum size of the site eligible for state matching purposes shall be limited to the number of acres required at time of construction as in WAC 180-26-020.

(2) The applicable state matching percentage shall be as set forth in WAC 180-27-030.

#### NEW SECTION

**WAC 180-26-040 DISTRICT AUTHORITY TO PROCEED.** Upon completion of the educational specifications review and comment and the site approval by the superintendent of public instruction, the school district is authorized to proceed as follows:

(1) Commence with the design of the school facility in accordance with the district's educational specifications.

(2) Complete the energy conservation report pursuant to WAC 180-27-075.

(3) Complete a value engineering study pursuant to WAC 180-27-080.

**WSR 83-17-127  
PROPOSED RULES  
STATE BOARD  
OF EDUCATION  
[Filed August 24, 1983]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Basic state support, chapter 180-27 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983

By: Monica Schmidt  
Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-27 WAC, State assistance in providing school plant facilities—Basic state support.

Rule Section(s): WAC 180-27-005, Authority; 180-27-010, Purpose; 180-27-015, State board policy; 180-27-020, Related factors and formula for determining amount of state assistance; 180-27-025, State matching

percentage—General; 180-27-030, Applicable state matching percentage for project; 180-27-035, Space allocations; 180-27-040, Square foot area analysis; 180-27-045, Space allocations—Enrollment projection provisions; 180-27-050, Space allocations—Computing building capacity; 180-27-055, State assistance—Priorities; 180-27-057, State assistance—Deferred payment; 180-27-060, Determining the area cost allowance; 180-27-065, Educational specifications; 180-27-070, Architectural and engineering services; 180-27-075, Energy conservation report; 180-27-080, Value engineering study—Requirements and definition; 180-27-085, Construction cost savings—Sharing incentive; 180-27-090, Project representative; 180-27-095, Support level—Furniture and equipment allowances; 180-27-100, Special inspections and testing; 180-27-105, Support level—Insurance receipts; 180-27-110, Support level—Federal moneys; 180-27-115, Support level—Additional assistance; 180-27-120, Costs to be financed entirely with school district funds; and 180-27-125, Unforeseen costs.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-27-005, cites authority; 180-27-010, financial provisions for state approved school construction; 180-27-015, state board policy—equates educational opportunities and capital effects and sets state support levels; 180-27-020, establishes factors that determine the amount of state assistance to a district for construction of facilities and sets forth specific items eligible for matching purposes; 180-27-025, sets forth the statutory formula for determining the state matching percentage for districts; establishes the minimum percentage; establishes higher percentages based on growth; 180-27-030, establishes the applicable state matching percentage to be used for individual projects; 180-27-035, establishes space allowances for K-12 and handicapped students for matching purposes; defines kindergarten and handicapped students; establishes space allowances for vocational-technical institutes and skill centers; 180-27-040, defines the method by which area is to be calculated; 180-27-045, establishes enrollment projections for estimating facility needs; 180-27-050, establishes methods for computing building capacity; 180-27-055, requires the state board of education to adopt a priority system in the event funds are not sufficient to fund all projects; 180-27-057, allows school districts to proceed at their own risk and be reimbursed when state moneys become available; 180-27-060, sets forth the method to be used by superintendent of public instruction to determine the area cost allowance; 180-27-065, establishes requirements for educational specifications; sets forth a level of state assistance for preparing educational specifications; 180-27-070, sets forth levels of state assistance for design team basic services, for new construction, modernization and combination projects; 180-27-075, requires the preparation of an energy conservation report by the

school district; sets forth a level of state assistance for preparing energy conservation reports; 180-27-080, requires a value engineering study on school facility projects; excludes projects under 15,000 square feet; defines value engineering; sets forth a level of state assistance for value engineering; 180-27-085, sets forth provisions to enhance cost effectiveness; establishes a cost saving incentive for school districts; establishes architectural and engineering fees fixed on the maximum allowable construction costs; 180-27-090, requires school district to employ a project representative; defines project representative; sets forth a level of state assistance for employing a project representative; 180-27-095, establishes an allowance for furniture and equipment; provides a method for calculating the amount of allowance; 180-27-100, defines special inspections and testing, sets forth state support for the performance of special inspections and testing by independent sources; 180-27-105, provides for local determination whether or not to insure a school facility; 180-27-110, establishes steps to be followed by school districts eligible for federal funds; 180-27-115, sets forth provisions by which a school district may be eligible for additional assistance as follows: (1) Condemnation of a building; (2) loss of building by fire; (3) handicapped facilities; (4) vocational/technical facilities; (5) interdistrict cooperative centers; (6) school housing emergency; (7) improved school district organization; and (8) racial imbalance; 180-27-120, sets forth items to be financed entirely with school district funds; and 180-27-125, defines unforeseen costs that may be eligible to receive state assistance.

Reasons Which Supported the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minniti, SPI, 753-6702.

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 state policies regarding school construction.

Chapter 180-27 WAC  
STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—BASIC STATE SUPPORT

NEW SECTION

WAC 180-27-005 AUTHORITY. This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school plant facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

**NEW SECTION**

**WAC 180-27-010 PURPOSE.** The purpose of this chapter is to set forth provisions applicable to basic state support and assistance in the construction of school facilities, including state board of education approval criteria. The limitations set forth represent the level of state support within moneys available and are not to be interpreted as maximum criteria to meet the educational requirements of all school districts, the determination of such criteria being the prerogative of respective school districts.

**NEW SECTION**

**WAC 180-27-015 STATE BOARD POLICY.** (1) In the interpretation of the regulations in this chapter, the superintendent of public instruction shall be guided by the following state board of education policy:

- (a) To equate insofar as possible the efforts by districts to provide capital moneys;
- (b) To equalize insofar as possible the educational opportunities for the students of the state;
- (c) To establish a level of state support for the construction and modernization of school facilities consistent with moneys available; and
- (d) To recognize that districts may find it necessary to apply local moneys in excess of state matching funds in order to provide facilities commensurate with their respective educational specifications.

(2) Nonhigh district participation in financing the cost of secondary school facilities shall be established pursuant to the provisions of chapter 28A.56 RCW.

**NEW SECTION**

**WAC 180-27-020 RELATED FACTORS AND FORMULA FOR DETERMINING AMOUNT OF STATE ASSISTANCE.** (1) The amount of state assistance to a school district to provide school facilities shall be determined on the basis of component factors, as hereinafter set forth in this chapter, relating to:

- (a) The number of unhoused students;
- (b) Space allocations;
- (c) Reduction of the number of operating schools as per chapter 180-33 WAC;
- (d) Area cost allowance;
- (e) Allowances for furniture and equipment purchases;
- (f) The amount of insurance, federal, or other nontax source local moneys applied to a school facilities project;
- (g) Certain specified costs which must be financed directly by the school district; and
- (h) The amount of fees for professional services.

(2) State assistance for an approved project shall be derived by multiplying the percentage of state assistance determined pursuant to RCW 28A.47.803 by the following:

- (a) The eligible construction cost which shall be calculated by multiplying the approved square foot area of the project as set forth in WAC 180-27-035 by the area cost allowance as set forth in WAC 180-27-060;
- (b) The cost of preparing educational specifications as set forth in WAC 180-27-065;
- (c) The cost of basic architectural and engineering services as set forth in WAC 180-27-070;
- (d) The cost of preparing the energy conservation report as set forth in WAC 180-27-075;
- (e) The cost of a value engineering study during design as set forth in WAC 180-27-080;
- (f) The cost of a project representative as set forth in WAC 180-27-085;
- (g) The cost of furniture and equipment as set forth in WAC 180-27-095; and
- (h) The cost of special inspections and testing as set forth in WAC 180-27-100.

Any cost in excess of the maximum allowable shall be financed entirely by the school district.

**NEW SECTION**

**WAC 180-27-025 STATE MATCHING PERCENTAGE—GENERAL.** (1) The percentage of state assistance for which a school district is eligible, if otherwise qualified under prevailing statutory provisions and rules and regulations of the state board of education, shall

be determined in accordance with the matching formula set forth in RCW 28A.47.803.

(2) In the event the percentage of state assistance to any school district computed in accordance with RCW 28A.47.803(2) is less than twenty percent and such school district otherwise is eligible for state assistance under statutory provisions and state board of education regulations, the percentage for such district shall be twenty percent of the matchable cost of the project.

(3) In addition to the computed percent of state assistance as stated above, a school district as provided in RCW 28A.47.803(3), shall be entitled to additional percentage points determined by the average percentage of growth for the past three years. One percent shall be added to the computed percent of state assistance for each average percent of student growth for the past three years, with a maximum addition of twenty percent. In no case shall the state dollars matched exceed one hundred percent of the maximum allowable cost of the project.

**NEW SECTION**

**WAC 180-27-030 APPLICABLE STATE MATCHING PERCENTAGE FOR PROJECT.** Pursuant to provisions of RCW 28A-47.803, the percentage of state assistance prevailing at the time the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities shall be the percentage used for the allocation of state moneys: **PROVIDED,** That in the event a higher percentage of state assistance prevails at the time of state board of education project approval or at the superintendent of public instruction construction and other document approval as set forth in WAC 180-29-030 and 180-29-085, then that higher percentage of state assistance shall govern the project.

**NEW SECTION**

**WAC 180-27-035 SPACE ALLOCATIONS.** (1) State assistance in the construction of school facilities for grades kindergarten through twelve and classrooms planned for the exclusive use of handicapped students shall be based on a space allowance per enrolled student and for state matching purposes shall be computed in accordance with the following table:

| Grade or Area                   | Maximum Matchable Area Per Student |
|---------------------------------|------------------------------------|
| Grades kindergarten through six | 80 square feet                     |
| Grades seven and eight          | 110 square feet                    |
| Grades nine through twelve      | 120 square feet                    |
| Classrooms for handicapped      | 140 square feet                    |

For purposes of this subsection, kindergarten students shall be calculated at fifty percent of actual headcount enrollments on October 1 and submitted to the superintendent of public instruction on October 1 each year; handicapped students shall be counted as one student for each such student assigned to a specially designated self-contained classroom for handicapped children for at least one hundred minutes per school day, calculated on actual headcount enrollment submitted to the superintendent of public instruction.

(2) State assistance for construction of vocational-technical institutes shall be based on full time equivalent students enrolled on October 1 and computed as follows:

| Type of Facility                | Maximum Matchable Area Per Full-Time Equivalent Student |
|---------------------------------|---|
| Vocational-Technical Institutes | 140 square feet   |

(3) State assistance for construction of vocational skill centers shall be based on one-half of students enrolled on October 1 and computed as follows:

| Type of Facility | Maximum Matchable Area One-half Enrolled Student |
|------------------|--|
| Skill Centers    | 140 square feet                                  |

(4) Space allowance for state matching purposes—districts with senior or four-year high schools with fewer than four hundred students. Space allowance for districts with senior or four-year high schools

with fewer than four hundred students for state matching purposes shall be computed in accordance with the following formula:

| Number of Headcount Student—Grades 9-12 | Maximum Matchable Area Per Facility |
|---|-------------------------------------|
| 0-100                                   | 37,000 square feet                  |
| 101-200                                 | 42,000 square feet                  |
| 201-300                                 | 48,000 square feet                  |
| 301-400                                 | 52,000 square feet                  |

#### NEW SECTION

**WAC 180-27-040 SQUARE FOOT AREA ANALYSIS.** The square foot area analysis, when submitted for review by the superintendent of public instruction shall be calculated in accordance with the American Institute of Architects, Document D101, The Architectural Area and Volume of Buildings, January 1980 Edition, except for the following areas which shall not be counted:

- (1) Exterior covered walkways, cantilevered or supported; and
- (2) Exterior porches or loading.

The analysis shall be reported on a form prepared by the superintendent of public instruction.

#### NEW SECTION

**WAC 180-27-045 SPACE ALLOCATIONS—ENROLLMENT PROJECTION PROVISIONS.** In planning for construction of all school facilities, a school district shall estimate capacity needs on the basis of the following:

- (1) A three or five-year cohort survival enrollment projection for growth districts, whichever is greater;
- (2) A three or five-year cohort survival enrollment projection for a declining district, whichever is lesser;
- (3) Actual enrollment of preschool handicapped students; and
- (4) Supplemental information regarding district growth factors which may include but not be limited to the following types of information:
  - (a) County live birth rates;
  - (b) New housing starts;
  - (c) Utility/telephone hookups; and
  - (d) Economic/industrial expansion.

#### NEW SECTION

**WAC 180-27-050 SPACE ALLOCATIONS—COMPUTING BUILDING CAPACITY.** The net total area of a school facility eligible for state matching purposes shall be calculated as follows:

(1) The capacity of existing buildings within the district based on the school district's assigned grade spans shall be computed in accordance with the tables set forth in WAC 180-27-035 and the square foot area analysis set forth in WAC 180-27-040.

(2) The number of students projected at each grade span shall be multiplied by appropriate numbers of square feet as set forth in WAC 180-27-035. (Note: The area generated at each grade level determines district eligibility, if any.)

(3) The amount of housing the district is eligible to construct at each grade span is determined by subtracting the area computed in subsection (2) of this section from the existing housing capacity at each grade span in the school district. Using this formula, over housing at one grade span will not negatively affect unboxed eligibility at another grade span.

(4) Appropriate grade assignment is a local determination and shall not affect the above calculations.

#### NEW SECTION

**WAC 180-27-055 STATE ASSISTANCE—PRIORITIES.** In the event moneys are not sufficient to meet school construction needs of the school districts of the state, the state board of education shall adopt a priority system which rank(s) school facility project(s) on the following priority basis:

- (1) The percentage of unboxed students in the district;
- (2) Vocational-technical institutes and interdistrict cooperative facilities excluding transportation cooperatives;
- (3) Modernization with no unboxed students; and
- (4) Interdistrict transportation cooperatives.

#### NEW SECTION

**WAC 180-27-057 STATE ASSISTANCE—DEFERRED PAYMENT.** In the event state moneys are not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state moneys become available, reimbursement may be made for the project provided the provisions of chapter 180-29 WAC have been complied with.

#### NEW SECTION

**WAC 180-27-060 DETERMINING THE AREA COST ALLOWANCE.** The area cost allowance for state assistance shall apply to the cost of construction of the total facility and grounds including state sales and use taxes generally levied throughout the state of Washington and excluding those local option sales and use taxes levied by political subdivisions. The maximum area cost allowance used in calculating state financial assistance for construction of school facilities shall be determined by the superintendent of public instruction as follows:

(1) Commencing with the two-month period of September-October 1981, a two-month area cost allowance is determined as follows: The average seven-city building cost index for commercial and factory buildings in Washington state reported by the E. H. Boeckh Company (Boeckh Index) for that two-month period (\$1,294.35) shall be multiplied by the 1950 area cost allowance (\$13.00). That product shall be divided by the 1950 area cost index (242.1).

(2) The calculation in subsection (1) of this section shall be made for each subsequent two-month period reported by E. H. Boeckh Company.

(3) Each of the actual two-month area cost allowances calculated as set forth in subsections (1) and (2) of this section shall be recorded by the superintendent of public instruction.

(4) The average monthly rate of increase in the area cost allowance for the previous two years is determined as follows: Not later than August 31 of each year, the actual two-month area cost allowance calculated for the first two-month reporting period in the twenty-four month period ending August 31 shall be subtracted from the actual area cost allowance for the current two-month reporting period. This result shall be divided by twenty-four.

(5) The projected maximum monthly area cost allowances for the next ensuing school fiscal year are calculated as follows:

(a) The area cost allowance for July-August 1983 effective September 1, 1983 shall be the actual amount as calculated in subsections (1) and (2) of this section.

(b) The projected area cost allowance for the following eleven months will be the amount of the previous month plus the average monthly rate of increase as calculated in subsection (4) of this section.

(6) The projection process will be repeated no later than August 31 for each following school fiscal year.

#### NEW SECTION

**WAC 180-27-065 EDUCATIONAL SPECIFICATIONS.** (1) Only school facility projects which are complete new facilities or modernization projects pursuant to chapter 180-33 WAC are eligible for state assistance in the preparation of education specifications.

(2) The construction of interdistrict transportation cooperatives, or additions of less than fifteen thousand square feet to existing facilities, unless combined with modernization, are not eligible.

(3) The amount of state assistance for which a district is eligible for the preparation of educational specifications shall be the state matching percentage multiplied by the greater of the following:

- (a) One quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (b) Ten thousand dollars.

#### NEW SECTION

**WAC 180-27-070 ARCHITECTURAL AND ENGINEERING SERVICES.** The allocation of state moneys for matching purposes for a school facility project shall be based on the basic architectural and engineering services as defined by the American Institute of Architects Handbook of Professional Practice, Number Nine, Owner-Architects Agreements, Thirteenth Edition, July 1977, and calculated by the percentage(s) in relation to the construction costs and project type, as set forth below:

- (1) New construction projects

Architectural and Engineering Team Fee Matching Limitations

| Construction Value | Total Fee % of Construction Cost |
|--------------------|----------------------------------|
| Under \$ 100,000   | 10.0                             |
| 100,000            | 9.0                              |
| 200,000            | 8.5                              |
| 300,000            | 8.25                             |
| 400,000            | 8.0                              |
| 500,000            | 8.0                              |
| 600,000            | 7.75                             |
| 700,000            | 7.75                             |
| 800,000            | 7.5                              |
| 900,000            | 7.5                              |
| 1,000,000          | 7.5                              |
| 2,000,000          | 7.0                              |
| 3,000,000          | 6.7                              |
| 4,000,000          | 6.3                              |
| 5,000,000 & above  | 6.0                              |

NOTE: Fees for projects with construction costs between values shown may be established on an interpolation basis as indicated in the example below.

Example:

$$8.25\% \text{ of } \$300,000.00 = \$24,750.00$$

$$8.00\% \text{ of } \frac{50,000.00}{\$350,000.00} = \frac{4,000.00}{\$28,750.00}$$

State share = \$28,750.00 x state matching percentage

(2) Modernization projects

For modernization projects, the architectural and engineering services eligible for state matching purposes shall not exceed one and one-half times the percentage of the fees as set forth in subsection (1) of this section.

(3) Combination projects

For those projects which include a combination of new construction and modernization, the fee shall be pro rated as set forth in subsection (1) and (2) of this section.

NEW SECTION

WAC 180-27-075 ENERGY CONSERVATION REPORT. In compliance with the provisions of chapter 39.35 RCW, school districts constructing school facilities shall complete an energy conservation report for any new construction or for additions to and modernization of existing school facilities. One copy of the energy conservation report, approved by the district board of directors, shall be filed with the superintendent of public instruction. The amount of state assistance for which a district is eligible for the preparation of the energy conservation report shall be the state matching percentage multiplied by ten thousand dollars.

NEW SECTION

WAC 180-27-080 VALUE ENGINEERING STUDY—REQUIREMENTS AND DEFINITION. At the appropriate time in the design process for a school facility approved by the state board of education, the district shall cause to be prepared a standard value engineering study of the project except that any project which includes fifteen thousand square feet or less shall be exempt from this requirement. For the purpose of this section, a standard value engineering study is defined as a cost control technique which is based on the use of a systematic, creative analysis of the functions of the facility with the objective of identifying unnecessary high costs or functions and/or identifying cost savings that may result in high maintenance and operation costs. The study shall consist of a forty-hour workshop involving a minimum of a five-person team pursuant to WAC 180-29-065. The amount of state assistance for which a district is eligible for a value engineering study shall be the state matching percentage multiplied by the greater of the following:

- (1) One-quarter of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) Fifteen thousand dollars.

NEW SECTION

WAC 180-27-085 CONSTRUCTION COST SAVINGS—SHARING INCENTIVE. The purpose of this section is to set forth provisions designed to further enhance cost effectiveness in the construction of school facilities.

(1) Districts become eligible for a cost saving incentive equal to sixty percent of the state share of the construction cost savings if the cost of construction at bid is less than the approved state matchable construction cost, as set forth in WAC 180-27-020(2)(a).

(2) The state matched fee for basic architectural and engineering services shall not be reduced if the project bids and is awarded below the approved state matchable construction cost (WAC 180-27-070) or the cost contracted for between the school district and architect/engineer, whichever is less.

(3) Receipt of a portion of the state share of construction cost savings shall not reduce the district's future eligibility and entitlement to state assistance in providing school facilities and shall not result in the district receiving more than one hundred percent of the cost of construction.

NEW SECTION

WAC 180-27-090 PROJECT REPRESENTATIVE. A school district shall employ the services of a project representative during the construction phase of a school facility approved by the state board of education for state financial assistance. The project representative shall have, as primary responsibility, the duties, responsibilities, and limitations of authority as described in the American Institute of Architects Document B352, Duties, Responsibilities and Limitations of Authority of the Architect's Project Representative, May 1979 Edition. Project representatives shall be certified by the International Conference of Building Officials as a building inspector or licensed by the state of Washington as an architect or engineer. The amount of state assistance for which a district is eligible for a project representative shall be the state matching percentage multiplied by the greater of the following:

- (1) One-half of one percent of the area cost allowance multiplied by the square foot area at time of bid; or
- (2) Fifteen thousand dollars.

NEW SECTION

WAC 180-27-095 SUPPORT LEVEL—FURNITURE AND EQUIPMENT ALLOWANCES. (1) A matchable allowance for furniture and equipment purchases shall be added to total construction cost of an approved school facilities project. The amount of state assistance for which a district is eligible shall be the eligible square foot area of the project multiplied by the area cost allowance of state support at time of bid and that product multiplied by:

- (a) Two percent for elementary schools;
- (b) Three percent for middle and junior high schools;
- (c) Four percent for high schools;
- (d) Five percent for handicapped facilities;
- (e) Five percent for vocational-technical facilities;
- (f) Five percent for interdistrict cooperative occupational skill centers; and
- (g) Seven percent for interdistrict transportation cooperatives.

(2) For those projects where the eligible square footage is allocated to grade spans which do not conform to those listed above, the equipment allowance shall be allocated based on eligibility as established in WAC 180-27-035.

NEW SECTION

WAC 180-27-100 SPECIAL INSPECTIONS AND TESTING. All special inspections and testing to be performed by independent sources as specified in the construction documents shall be matched in addition to the construction costs subject to the approval of the superintendent of public instruction. For the purposes of this section, special inspections shall be those special inspections required under the Uniform Building Code.

NEW SECTION

WAC 180-27-105 SUPPORT LEVEL—INSURANCE RECEIPTS. It is a local determination whether or not a school facility shall be insured. Should a district need to replace an uninsured school



facility lost to fire, it will be the district's financial responsibility to replace the number of square feet lost to the fire.

#### NEW SECTION

**WAC 180-27-110 SUPPORT LEVEL—FEDERAL MONEYS.** A school district determined to be eligible for moneys made available by acts of Congress for school facility construction, including but not limited to Public Law 815 moneys, shall complete the following steps:

(1) Make application for such moneys, which requirement shall be prerequisite for a preliminary or provisional allocation of state matching moneys;

(2) Furnish evidence of the availability of such federal moneys, which requirement shall be a prerequisite for a final allocation of state moneys: **PROVIDED**, That nothing in this section shall restrict a school district from receipt of federal moneys otherwise provided for specific purposes in accordance with the conditions imposed by the federal government incumbent upon the recipient school district; and

(3) Include the number of square feet in school facilities constructed with federal moneys and used for instructional purposes in the district's inventory which will decrease district eligibility for state moneys by an equal number.

#### NEW SECTION

**WAC 180-27-115 SUPPORT LEVEL—ADDITIONAL ASSISTANCE.** State assistance in addition to the amount determined pursuant to WAC 180-27-020 and 180-27-055 may be allowed for the purposes and in accordance with the requirements set forth in this section: **PROVIDED**, That in no case shall the state assistance exceed one hundred percent of the amount calculated for matching purposes. In each of the following exceptions, state board of education approval is required:

(1) Act of condemnation of a building.

A school district required to replace a school facility determined to be hazardous to the safety and health of school children and staff—as evidenced by reports of architects or engineers licensed to practice in the state of Washington, the health agency having jurisdiction, and/or the fire marshal and building official having jurisdiction—shall be eligible for additional assistance if the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the voters of the school district have authorized the issuance of bonds to its legal limit, the board shall provide state financial assistance for the remaining cost of the building to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(2) Loss of building by fire.

A school district which has lost a school facility by fire shall be eligible for additional state assistance consideration if the district first applies toward the project all insurance payments received for the loss of the structure and the voters of the school district authorize the issuance of bonds and/or the levying of excess taxes to meet the statutory limits. If the state board of education determines that the district is deficient in capital moneys and cannot legally bond for the moneys needed to replace the number of square feet for which it is eligible, the state board of education shall provide state financial assistance for the remaining cost of the project to a level not exceeding the area cost allowance set forth in WAC 180-27-060.

(3) Facilities for handicapped children.

A school district which admits handicapped children from without the district shall be eligible for additional state assistance in construction of school facilities: **PROVIDED**, That (a) handicapped children who spend less than one hundred minutes per school day in a facility designated by the school district board of directors as special purpose space shall not be counted, and (b) the additional allocation shall be ninety percent of the approved square foot cost allowance for out-of-district handicapped students.

(4) Vocational-technical facilities.

A school district which has a vocational-technical institute shall be eligible for additional state assistance in construction of vocational-technical institute facilities: **PROVIDED**, That the additional assistance in excess of the amount allocable under the statutory formula shall be ninety percent of the total approved project cost determined to be eligible for state matching purposes.

(5) Interdistrict cooperative centers.

In the financing of interdistrict cooperative projects as set forth in chapter 180-31 WAC, the state board of education shall allocate at ninety percent of the total approved project cost determined eligible for

state matching purposes if the planned school facility meets the following criteria:

(a) Provides educational opportunities, including vocational skills programs, not otherwise provided;

(b) Avoids unnecessary duplication of specialized or unusually expensive educational programs or facilities; or

(c) Improves racial balance within and among participating districts.

(6) School housing emergency.

A school district found by the state board of education to have a school housing emergency requiring an allocation of state moneys in excess of the amount allocable under the statutory formula may be considered for an additional allocation of moneys: **PROVIDED**, That the school district must have authorized the issuance of bonds to its legal capacity to meet the statutory and state board of education fiscal requirements for state assistance in providing school facilities.

The total amount of state moneys allocated shall be ninety percent of the total approved project cost determined eligible for state matching purposes: **PROVIDED FURTHER**, That at any time thereafter when the state board of education finds that the financial position of such district has improved, the amount of such additional allocation shall be deducted, under conditions prescribed by the state board of education from any future state school facility construction funds which might otherwise be provided to such district.

(7) Improved school district organization.

If two or more school districts reorganize into a single school district and the construction of new school facilities results in the elimination of a small high school with a full-time equivalent enrollment in grades 9-12 of less than three hundred students and/or an elementary school with a full-time equivalent enrollment of less than one hundred students, the state board of education shall match the total approved cost of the project at ninety percent.

(8) Racial imbalance.

Any school district that contains a school facility which is racially imbalanced as defined in WAC 180-26-025 or which contains a school facility that would have been racially imbalanced as defined in WAC 180-26-025 but for a transportation program designed to eliminate racial imbalance shall receive ninety percent of the total approved cost of construction if the building project meets one of the following standards:

(a) In the case of a school district which contains a racially imbalanced school facility the district must demonstrate that, as a result of new construction or modernization, the particular school facility will no longer be racially imbalanced.

(b) In the case of a school district which contains a school facility that would have been racially imbalanced but for a transportation program designed to eliminate racial imbalance, the district must demonstrate that, as a result of new construction or modernization, the district will continue to contain no school plant facility which is racially imbalanced and that the expense of transportation within the district for a stated period of years will be significantly less than without the new construction.

When an improvement in racial balance within a school district pursuant to this section involves construction or modernization of one or more school facilities, all such school facilities shall be included in the application.

#### NEW SECTION

**WAC 180-27-120 COSTS TO BE FINANCED ENTIRELY WITH SCHOOL DISTRICT FUNDS.** The cost of the following areas, facilities, and items shall not be eligible for the state matching purposes:

(1) The cost of area in excess of the space allocations as set forth in WAC 180-27-035;

(2) Acquisition cost of site;

(3) Maintenance and operation;

(4) Alterations, repair, and demolitions, except alterations necessary to connect new construction to an existing building;

(5) Central administration buildings;

(6) Stadia/grandstands;

(7) Costs incidental to advertising for bids, site surveys, soil testing for site purchase, and costs other than those connected directly with the construction of facilities;

(8) Bus garages, except interdistrict cooperatives;

(9) Project signs;

(10) Sales and/or use taxes levied by local governmental agencies other than those sales and/or use taxes levied by the state of Washington; and/or



(11) All costs in excess of state support level factors established by the state board of education for state participation in financing school construction.

#### NEW SECTION

WAC 180-27-125 UNFORESEEN COSTS. The state board of education shall not provide additional assistance for unforeseen circumstances related to the construction project after the filing of construction contract(s) with the superintendent of public instruction except those required by change to the state building code as set forth in chapter 19.27 RCW.

**WSR 83-17-128**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Procedural regulations, chapter 180-29 WAC; that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983  
 By: Monica Schmidt  
 Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-29 WAC, State assistance in providing school plant facilities—Procedural regulations.

Rule Section(s): WAC 180-29-005, Authority; 180-29-010, Purpose; 180-29-015, Application—Study and survey by the superintendent of public instruction; 180-29-020, Study and survey—Local involvement; 180-29-025, State board of education review; 180-29-030, State board of education approval; 180-29-035, Site approval requirements; 180-29-040, Educational specifications—Review and comment; 180-29-045, Notice to proceed with design; 180-29-050, Educational specifications contracts; 180-29-055, Architect-engineer contracts; 180-29-060, Energy conservation report contracts; 180-29-065, Value engineering contracts; 180-29-070, Project representative contracts; 180-29-075, Contracts—Filing; 180-29-080, Construction documents—Bids and contact provisions; 180-29-085, Construction and other documents—Submittal; 180-29-090, Construction documents—Other governmental agency approval; 180-29-095, Construction documents—Compliance with public works statutory provisions; 180-29-100, Construction documents—Compliance with state building code; 180-29-105, Bids—Advertisement;

180-29-107, Bid opening—Superintendent of public instruction approval; 180-29-110, Bids—Data and documents requirements; 180-29-115, Authorization for contract award; 180-29-120, School district authorized agent; 180-29-125, Award of contract(s); 180-29-130, Disbursement of moneys—Sequence of payments; 180-29-135, Disbursement of moneys—General provisions applicable to payments; 180-29-140, Disbursements of moneys by school district(s); 180-29-145, Disbursement of moneys by superintendent of public instruction; 180-29-150, Changes in contract cost; 180-29-155, Final acceptance of project by architect/engineer; 180-29-160, Acceptance of project by school district; 180-29-165, Documents required for release of retainage by school district; and 180-29-170, Liens.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-29-005, cites authority; 180-29-010, procedures which must be followed in seeking financial assistance for school construction; 180-29-015, sets forth district application process; 180-29-020, requires the cooperation of the applicant district with the superintendent of public instruction in gathering data for the study and survey; 180-29-025, requires the superintendent of public instruction to transmit the study and survey to the state board of education for its consideration; state board of education approval establishes maximum area allowance and an estimate of state financial assistance; 180-29-030, sets forth the transmittal of forms when project approved by state board of education; 180-29-035, requires the district to provide evidence of compliance with site conditions; requires the superintendent of public instruction to physically review and approve the site prior to commencing facility design; 180-29-040, requires the district to transmit an approved copy of the educational specifications to the superintendent of public instruction; 180-29-045, requires the superintendent of public instruction to transmit a notice to proceed with design upon approval of site and educational specifications; 180-29-050, requires the district to stipulate the amount of fee and scope of work to be performed by consultant in contracts for developing educational specifications; 180-29-055, requires districts to employ only architects/engineers licensed to practice in the state of Washington on cooperatively financed project; requires the district to stipulate fees and duties of architects/engineers in contractual agreements; 180-29-060, requires the district to stipulate fees and duties for separately contracted services of energy conservation consultant; 180-29-065, requires the district to include a value engineering team leader qualified by Society of American Value Engineers to manage a value engineering study if performed; requires the district to stipulate fees and duties in value engineering contracts; 180-29-070, requires the district to stipulate fees and duties in contracts for project representative; 180-29-075, requires the district to file with the superintendent of public instruction copies of contracts for the services of educational specifications consultants,

architect/engineer, energy conservation consultants, value engineering consultants, and project representatives; 180-29-080, requires the district to insure that construction documents provide for: (1) Separate or combined bids; (2) that items ineligible for state matching be bid separately; (3) that all items bid are in accordance with the state bid law, and that evidence be submitted to the superintendent of public instruction that insurance has been provided for the facility under construction; 180-29-085, requires the district to submit to the superintendent of public instruction prior to bid opening: Microfilm copies of construction documents, architects/engineers cost estimate of construction; signed approval of other governmental agencies; area analysis; list of special inspections and testing to be done and the value engineering report; 180-29-090, requires that construction documents be submitted for approval by the fire marshal, Health Department, Department of Labor and Industries, Department of Ecology, and the local building code official; requires that the district receive written approval from the above agencies and submit proof of same to the superintendent of public instruction; 180-29-095, requires that construction documents provide for compliance with provisions of the public works law; 180-29-100, requires certification by the architect/engineer to the superintendent of public instruction that construction documents are in compliance with the state building code; 180-29-105, requires compliance with state law in advertising for bid; 180-29-107, requires the school district to receive written approval from superintendent of public instruction prior to opening bids; 180-29-110, requires school district to demonstrate compliance with public works law by submitting certified copies of bid documents and certification of availability of local funds; 180-29-115, provides for SPI review and analysis of bid documents and for authorization of contract award; 180-29-120, requires the school district to provide superintendent of public instruction with certified signature of authorized personnel; 180-29-125, authorizes the district to award contract(s) upon receipt of superintendent of public instruction authorization. Requires the district to forward a copy of each signed contract, contractor's cost breakdown and contract payment schedule to the superintendent of public instruction; 180-29-130, defines the sequence for the disbursement of moneys; 180-29-135, defines the method for the disbursement of funds to contractors and others and the retainage; 180-29-140, requires the district to certify and list all payments including retainage to the superintendent of public instruction when obligated local funds have been expended; 180-29-145, directs the district to make all claims for payment from state moneys on superintendent of public instruction approved vouchers; provides that all payment from state moneys shall be drawn payable to the school district unless designated otherwise by the district; 180-29-150, requires that increases in project costs be financed entirely from district funds; provides that decreases in project costs be shared by both district and state using the matching ratio in effect at contract award; 180-29-155, requires the project architect/engineer to issue a certificate of compliance to

the district upon final completion of the project; 180-29-160, requires the district to issue a board resolution officially accepting the project as complete; 180-29-165, requires receipt of (1) architect/engineer certificate of completion; (2) district resolution of final acceptance; (3) certification that the district has on file affidavits of wages paid on public works contracts; (4) certification that no liens are on file with the district or certified list of lien(s) on file; and (5) occupancy permit by the superintendent of public instruction before authorization to release retainage is granted; 180-29-170, authorizes the superintendent of public instruction to withhold from the retainage the amount of each lien plus \$3,000 or 25% of the claim, whichever is greater, for attorney's fees plus 10% of the lien for court costs until the lien(s) has been removed.

Reasons Which Support the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minnitti, SPI, 753-6702.

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 state policies regarding school construction.

Chapter 180-29 WAC  
STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—PROCEDURAL REGULATIONS

NEW SECTION

WAC 180-29-005 AUTHORITY. This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of allotments to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provision of chapter 28A.47 RCW currently applicable to state assistance for school plant facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

NEW SECTION

WAC 180-29-010 PURPOSE. The purpose of this chapter is to set forth the procedures governing all applications for state assistance, allocations of state funds, and disbursements by school districts and the superintendent of public instruction for school facility projects approved for state assistance by the state board of education. The superintendent of public instruction shall prescribe and furnish forms for the purposes set forth in this chapter.

NEW SECTION

WAC 180-29-015 APPLICATION—STUDY AND SURVEY BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. To qualify for consideration and eligibility for state assistance by the state board of education, the school district board of directors shall:

- (1) Submit to the superintendent of public instruction an application for each school facility project; and
- (2) Request a study and survey of the district, to be conducted by the superintendent of public instruction with the cooperation of the

school district pursuant to requirements in chapter 180-25 WAC. The aforementioned study and survey must be completed, reviewed by the district board of directors, and submitted to the state board of education prior to school district submittal of any capital funding measures to the voters of the district.

#### NEW SECTION

**WAC 180-29-020 STUDY AND SURVEY—LOCAL INVOLVEMENT.** School districts seeking state assistance in school facility construction shall cooperate with the superintendent of public instruction in gathering required information set forth in chapter 180-25 WAC.

#### NEW SECTION

**WAC 180-29-025 STATE BOARD OF EDUCATION REVIEW.** Upon completion of the study and survey by the superintendent of public instruction and review by district board of directors, the study and survey shall be submitted to the state board of education, accompanied by recommendations from the superintendent of public instruction and an application for state assistance from the district for the project(s) to be considered by the board. State board of education approval of a proposed project(s) shall establish the maximum area allowance and estimated amount of state financial assistance based upon the information furnished in the study and survey.

#### NEW SECTION

**WAC 180-29-030 STATE BOARD OF EDUCATION APPROVAL.** Upon review of the application and study and survey the state board of education shall approve or deny the application. When approved, the superintendent of public instruction shall transmit required forms to the district to continue the process.

#### NEW SECTION

**WAC 180-29-035 SITE—APPROVAL REQUIREMENTS.** (1) The district shall provide the superintendent of public instruction with evidence of compliance with applicable site conditions pursuant to chapter 180-26 WAC and certification from the district board of directors that the site will not create or aggravate racial imbalance.

(2) The superintendent of public instruction shall conduct an on-site review as required by chapter 180-26 WAC.

(3) Approval of the site by the superintendent of public instruction shall be a prerequisite to commencing with the design of a school facility project.

#### NEW SECTION

**WAC 180-29-040 EDUCATIONAL SPECIFICATIONS—REVIEW AND COMMENT.** Prior to the commencement of the design of the proposed school facility, the school district shall cause to be prepared the educational specifications pursuant to chapter 180-26 WAC. One copy of the completed educational specifications approved by the district board of directors shall be transmitted to the superintendent of public instruction for review and comment.

#### NEW SECTION

**WAC 180-29-045 NOTICE TO PROCEED WITH DESIGN.** After completion of the educational specifications review process as set forth in WAC 180-29-040 and after approval of the site, the superintendent of public instruction shall transmit to the school district a notice to proceed with the design of the school facility.

#### NEW SECTION

**WAC 180-29-050 EDUCATIONAL SPECIFICATIONS CONTRACTS.** Contracts between the school district and the educational specifications consultant, if any, shall stipulate the amount of fee and the consultant's duties, i.e., scope of work, to be performed as required in chapter 180-26 WAC set forth.

#### NEW SECTION

**WAC 180-29-055 ARCHITECT-ENGINEER CONTRACTS.** Architects and engineers employed on approved school facility projects involving state school building moneys shall be licensed to practice in the state of Washington. Contract(s) between the school district and

the architects and engineers shall stipulate the maximum amount of the fee and the duties, i.e., scope of work, to be performed as required in chapter 180-27 WAC.

#### NEW SECTION

**WAC 180-29-060 ENERGY CONSERVATION REPORT CONTRACTS.** Contracts between the school district and the energy conservation consultant, if not included in the architect-engineer contract for professional services, shall stipulate the amount of fee and the consultant's duties, i.e., scope of work, to be performed as required by chapter 180-27 WAC set forth.

#### NEW SECTION

**WAC 180-29-065 VALUE ENGINEERING CONTRACTS.** Value engineering consultants employed on approved school facilities projects shall include a value engineering team coordinator/leader qualified by the Society of American Value Engineers to manage and coordinate a value engineering study. Contracts between the school district and the value engineering consultant shall stipulate the amount of the fee and the consultant's duties, i.e., scope of work, to be performed as in chapter 180-27 WAC set forth.

#### NEW SECTION

**WAC 180-29-070 PROJECT REPRESENTATIVE CONTRACTS.** Contracts between the school district and the project representative shall stipulate the amount of fee and the project representative's duties, i.e., scope of work, to be performed as required in chapter 180-27 WAC.

#### NEW SECTION

**WAC 180-29-075 CONTRACTS—FILING.** The school district shall submit to the superintendent of public instruction one copy of the following contracts for projects approved by the state board of education for state assistance:

- (1) Educational specifications (WAC 180-29-050)
- (2) Architect-engineer (WAC 180-29-055)
- (3) Energy conservation report (WAC 180-29-060)
- (4) Value engineering (WAC 180-29-065)
- (5) Project representative (WAC 180-29-070).

#### NEW SECTION

**WAC 180-29-080 CONSTRUCTION DOCUMENTS—BIDS AND CONTRACT PROVISIONS.** The construction documents shall include the following bid and contract provisions:

- (1) Separate or combined bids. The school district shall determine if the bids for general, mechanical, or electrical are to be separate or combined.
- (2) Combination projects. For those projects which include a combination of both new construction and modernization, bid documents shall provide for separate and distinct bids for each and shall, when combined, be the low bid for the project.
- (3) Ineligible items. Items ineligible for state matching shall be bid separate or as an alternate.
- (4) Bid law. All items included in the construction documents shall be bid in accordance with RCW 28A.58.135 and 43.19.1906.
- (5) Fire insurance. Provision for fire insurance is mandatory for all school facilities under construction. The insurance shall cover at a minimum the amount of the work in place and materials to be used in the project which is in place and on the site. Evidence shall be submitted to the superintendent of public instruction that insurance is provided for by the contractor or the school district. Only costs for insurance provided for in the construction documents will be matched.

#### NEW SECTION

**WAC 180-29-085 CONSTRUCTION AND OTHER DOCUMENTS—SUBMITTAL.** (1) For the purpose of determining that the provisions set forth in chapters 180-25 through 180-29 WAC have been complied with prior to the opening of bids of any project to be financed with state moneys, the school district shall submit to the superintendent of public instruction the following:

- (a) One microfilm copy of the construction documents;

(b) Cost estimate of construction on a form approved by the superintendent of public instruction, completed and signed by the architect-engineer;

(c) Signed copy or photocopy of letters of approval by other governmental agencies in accordance with WAC 180-29-090;

(d) Area analysis on a form approved by the superintendent of public instruction in accordance with chapter 180-27 WAC;

(e) Complete listing of construction special inspections and/or testing to be performed by independent sources that are included in the project pursuant to WAC 180-27-100;

(f) One copy of the value engineering report signed by the school district board of directors. The report shall include the following:

- (i) A brief description of the original design;
- (ii) A brief description of the value engineering methodology used;
- (iii) The areas analyzed;
- (iv) The design alternatives proposed;
- (v) The cost changes proposed;
- (vi) The alternates accepted; and
- (vii) A brief statement by the school district board of directors explaining why each alternate not accepted was rejected.

(2) If the above documents reflect an increase in square foot size from the application approved by the state board of education as per WAC 180-29-030 which will result in an increase in state support, a new application must be submitted to the state board of education.

#### NEW SECTION

WAC 180-29-090 CONSTRUCTION DOCUMENTS—OTHER GOVERNMENTAL AGENCY APPROVAL. (1) The construction documents shall be submitted for the approval of the following other governmental agencies:

- (a) Fire marshal or fire chief having jurisdiction;
- (b) Department of labor and industries (electrical);
- (c) Health agency having jurisdiction;
- (d) Department of ecology (when applicable); and
- (e) Building official of the jurisdiction.

Approval shall be in respect to compliance with pertinent rules and regulations established by said agencies.

(2) The school district shall receive written approvals of the construction documents by the agencies and submit proof of such approvals to the superintendent of public instruction in accordance with WAC 180-29-080.

#### NEW SECTION

WAC 180-29-095 CONSTRUCTION DOCUMENTS—COMPLIANCE WITH PUBLIC WORKS STATUTORY PROVISIONS. The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

- (1) Chapter 18.08 RCW relating to contractor's bond;
- (2) Chapter 28A.85 RCW relating to affirmative action;
- (3) Chapter 39.12 RCW relating to prevailing wages;
- (4) Chapter 39.25 RCW relating to offshore items;
- (5) Chapter 39.75 RCW relating to contractor registration;
- (6) Chapter 49.28 RCW relating to hours of labor;
- (7) Chapter 49.60 RCW relating to discrimination; and
- (8) Chapter 79.92 RCW relating to the provisions for the aged and physically handicapped.

#### NEW SECTION

WAC 180-29-100 CONSTRUCTION DOCUMENTS—COMPLIANCE WITH STATE BUILDING CODE. The architect/engineer shall certify to the superintendent of public instruction that to the best of his knowledge the construction documents are in compliance with the provisions of the state building code, chapter 19.27 RCW, and any and all other pertinent state and local statutes relating to school building construction.

#### NEW SECTION

WAC 180-29-105 BIDS—ADVERTISEMENT. In accordance with RCW 28A.58.135 and 43.19.1906, school districts shall advertise for bids once each week for two consecutive weeks in a trade journal of general circulation and a like number of times in a publication of general circulation throughout the area.

#### NEW SECTION

WAC 180-29-107 BID OPENING—SUPERINTENDENT OF PUBLIC INSTRUCTION APPROVAL. (1) The school district shall not open bids until receiving written approval of the superintendent of public instruction.

(2) The superintendent of public instruction shall grant approval if moneys are available for state assistance and the required documents pursuant to WAC 180-29-075, 180-29-080, 180-29-085, 180-29-090, 180-29-095, and 180-29-100 are complete.

(3) If the superintendent of public instruction determines that the required documents are incomplete, the superintendent of public instruction shall hold the project and notify the school district in writing as to the incomplete items.

(4) If moneys are not available for state assistance in construction, the school district shall notify the superintendent of public instruction that they are proceeding with their own moneys with the expectation that they will be reimbursed as per WAC 180-27-057.

#### NEW SECTION

WAC 180-29-110 BIDS—DATA AND DOCUMENT REQUIREMENTS. School districts shall demonstrate that they have complied with RCW 28A.58.135 and 43.19.1906 and shall not enter into contracts(s) for construction until the following certified copies have been submitted and approved by the superintendent of public instruction:

- (1) Each advertisement for bid;
- (2) Tabulated statement of all bids received;
- (3) Recommendation of the board of directors for award of contract(s) on the basis of bids received, including all accepted alternates;
- (4) Alternate bids;
- (5) Names and addresses of all bidders;
- (6) Certified statement of costs for special inspections and testing;
- (7) Certified statement of amount of local and/or other disburseable funds available specifically for the project, exclusive of state funds, with the source of funds identified, including identity and amount of nonhigh school district funds when applicable.

If the recommended contractor is not the low bidder, the school district shall give reasons pursuant to statutory provisions set forth in RCW 43.19.1911.

#### NEW SECTION

WAC 180-29-115 AUTHORIZATION FOR CONTRACT AWARD. (1) Upon receipt of the items as per WAC 180-29-110, the superintendent of public instruction shall:

- (a) Analyze the bids;
- (b) Determine the amount of state moneys allocable; and
- (c) Make an allocation of state moneys for construction and other items as per chapter 180-27 WAC.

(2) Authorization for contract award and allocation of state moneys shall be contingent upon the following:

- (a) The contract price for the construction has been established by competitive bid(s); and
- (b) The school district has available sufficient local funds pursuant to chapter 180-25 WAC.

#### NEW SECTION

WAC 180-29-120 SCHOOL DISTRICT AUTHORIZED AGENT. The school district shall provide the superintendent of public instruction with the certified signature(s) of district personnel authorized by board resolution for the purposes in this chapter requiring district authorization(s).

#### NEW SECTION

WAC 180-29-125 AWARD OF CONTRACTS(S). Upon receipt of authorization to award contract(s) from the superintendent of public instruction, the board of directors of the school district may proceed with award of contract(s) for construction of the school facility project. Immediately following the awarding of contract(s), the board of directors of the school district shall forward to the superintendent of public instruction one copy of each properly executed contract, one copy of the contractor's cost breakdown, and one copy of the contract(s) payment schedule. Such cost breakdown and payment schedule shall be

displayed on a form issued and approved by the superintendent of public instruction in accordance with WAC 180-29-080(1)(b).

#### NEW SECTION

**WAC 180-29-130 DISBURSEMENT OF MONEYS—SEQUENCE OF PAYMENTS.** The order in which funds shall be disbursed for school facility construction shall be as follows:

(1) Prior to payment from state moneys, the school district shall make payments on all claims submitted until such time as the total amount of school district moneys obligated by the district have been expended.

(2) When local moneys have been expended as in subsection (1) of this section, payments from state moneys shall then be made.

#### NEW SECTION

**WAC 180-29-135 DISBURSEMENT OF MONEYS—GENERAL PROVISIONS APPLICABLE TO PAYMENTS.** Disbursement of moneys shall be in accordance with the following provisions:

(1) Payments to contractor(s) by school district. Payments to contractors shall be on the basis of work completed. Contractors shall submit to the school district monthly estimates of work completed which shall be supported by the architect/engineer's certificate for payment. No payments shall be made without certification from the architect/engineer that such work has been completed.

(2) Payments to others. Payments to others as per chapter 180-27 WAC shall be made in accordance with the contract provisions for those services.

(3) Retainage. The provisions of chapter 60.28 RCW relating to public works contracts shall govern retainage on contract payments.

#### NEW SECTION

**WAC 180-29-140 DISBURSEMENTS OF MONEYS BY SCHOOL DISTRICTS(S)—SUPERINTENDENT OF PUBLIC INSTRUCTION FILING.** At such time as the total amount of school district moneys obligated have been expended, a signed statement by an authorized agent of the board of directors comprising a listing of all payments to contractors and others, including retainage, shall be submitted to the superintendent of public instruction.

#### NEW SECTION

**WAC 180-29-145 DISBURSEMENT OF MONEYS BY SUPERINTENDENT OF PUBLIC INSTRUCTION.** All school district claims for payment from state moneys shall be submitted to the superintendent of public instruction on invoice vouchers provided by the superintendent of public instruction and shall be signed by the authorized agent of the school district. State warrants issued in payments, unless the school district agent designates a specific payee, shall be drawn payable to the school district. In all cases, warrants shall be transmitted to the school district for disposition.

#### NEW SECTION

**WAC 180-29-150 CHANGES IN CONTRACT COST.** The final contract cost shall be determined after inclusion of the net change due to additive and/or deductive change orders. If the final contract cost results in an increase above the original bid amount, the school district shall finance the entire increase. If the final contract cost results in a decrease from the original bid amount, the school district and the state shall share the amount of the decrease based on the matching ratio in effect at the time of contract award. Copies of all change orders when executed and signed by the school district's authorized agent and the project architect/engineer shall be forwarded to the superintendent of public instruction.

#### NEW SECTION

**WAC 180-29-155 FINAL ACCEPTANCE OF PROJECT BY ARCHITECT/ENGINEER.** Upon final completion of the project by contractor(s), the architect/engineer shall inspect the project to determine compliance with the construction documents. The architect/engineer, upon determining that the project has been completed satisfactorily, shall make such recommendation through the issuance of a certificate of completion to the school district board of directors. Separate certificates of completion shall be written for each contract awarded.

#### NEW SECTION

**WAC 180-29-160 ACCEPTANCE OF PROJECT BY SCHOOL DISTRICT.** Based upon an inspection of the project and the certificate(s) of completion signed by the architect/engineer, the school district board of directors shall accept or reject the project. Until the superintendent of public instruction receives a school district board resolution officially accepting the project, no release of retainage shall be made in accordance with WAC 180-29-165.

#### NEW SECTION

**WAC 180-29-165 DOCUMENTS REQUIRED FOR RELEASE OF RETAINAGE BY SCHOOL DISTRICT.** Release of retainage on contracts shall be subject to receipt by the superintendent of public instruction of the following documents:

(1) Properly executed state invoice voucher as per the requirements of WAC 180-29-145;

(2) Architect/engineer certificate(s) of completion;

(3) School district board of directors' resolution of final acceptance signed by the authorized agent of the school district;

(4) Certification by the authorized agent of the school district that the district has on file all affidavits of wages paid in compliance with RCW 39.12.040;

(5) After expiration of thirty days following acceptance of the project by the school district, a signed statement by the authorized agent of the school district that no lien(s) is on file with the school district or a certified list of each lien is on file with the school district. A copy of each lien shall be forwarded to the superintendent of public instruction;

(6) Occupancy permit by building official of the jurisdiction.

#### NEW SECTION

**WAC 180-29-170 LIENS.** In the event that liens are filed with the school district, the provisions of RCW 60.28.010 through 60.28.060 shall apply. The amount of each lien plus three thousand dollars or twenty-five percent of the claim, whichever is greater, for potential attorney fees, plus ten percent of the lien claim for court costs, shall be withheld from the retainage until any lien has been removed.

### **WSR 83-17-129 PROPOSED RULES STATE BOARD OF EDUCATION**

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning school building construction, chapter 180-30 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983

By: Monica Schmidt  
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-30 WAC, School building construction.

Rule Section(s): WAC 180-30-003, Applicability of chapter.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-30-003, provides for a November 1, 1983, cutoff date for those districts which have filed applications for state assistance.

Reasons Which Support the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minnitti, SPI, 753-6702.

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 state policies regarding school construction.

NEW SECTION

WAC 180-30-003 APPLICABILITY OF CHAPTER. The provisions of chapter 180-30 WAC shall apply to any school district which has filed an application for state assistance prior to November 1, 1983. Thereafter, the provisions of chapters 180-25, 180-26, 180-27, 180-29, 180-31, and 180-32 WAC shall apply.

WSR 83-17-130  
PROPOSED RULES  
STATE BOARD  
OF EDUCATION  
[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Interdistrict cooperation in financing school plant construction, chapter 180-31 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983  
By: Monica Schmidt  
Secretary

STATEMENT OF PURPOSE

Rule: chapter 180-31 WAC, State assistance in providing school plant facilities—Interdistrict cooperation in financing school plant construction.

Rule Section(s): WAC 180-31-005, Authority; 180-31-010, Purpose; 180-31-015, Applicant district defined; 180-31-020, Any cooperative plan subject to state board approval; 180-31-025, Application provisions; 180-31-030, Interdistrict cooperative agreements; 180-31-035, Approval of program or services by superintendent of public instruction; and 180-31-040, Dissolution provisions.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-31-005, cites authority; 180-31-010, purpose, sets forth purpose of chapter—financing of interdistrict cooperative facilities; 180-31-015, defines the applicant district as the district where the new facilities are to be built or modernized with the responsibility to submit application for financial plan approval; 180-31-020, requires authorization by the state board of education for any interdistrict financial plan for construction or modernization of school facilities; 180-31-025, list of documents and data required from applicant school district before submitting application to the state board of education for proposed project; 180-31-030, sets forth the elements of interdistrict agreements between applicant and participating districts; 180-31-035, requires superintendent of public instruction approval of educational program or services to be offered and administered in the proposed new or modernized facility as a prerequisite to state board approval; and 180-31-040, sets forth provision on when and how the interdistrict cooperative may dissolve.

Reasons Which Support the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minnitti, SPI, 753-6702.

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 state policies regarding school construction.

Chapter 180-31 WAC  
STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT COOPERATION IN FINANCING SCHOOL PLANT CONSTRUCTION

NEW SECTION

WAC 180-31-005 **AUTHORITY.** This chapter is adopted pursuant to RCW 28A.47.830 relating to authority of the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions and disbursements of allotments to school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school plant facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

NEW SECTION

WAC 180-31-010 **PURPOSE.** The purpose of this chapter is to set forth provisions applicable to approval of a cooperative financing plan for the construction or modernization of school facilities by two or more school districts.

NEW SECTION

WAC 180-31-015 **APPLICANT DISTRICT DEFINED.** The board of directors of the school district in which the proposed new school facility is to be located or in which the school facility proposed for modernization is located shall be the applicant district and it shall be the responsibility of said board of directors to submit the application for financial plan approval.

NEW SECTION

WAC 180-31-020 **ANY COOPERATIVE PLAN SUBJECT TO STATE BOARD APPROVAL.** Any interdistrict financial plan for construction or modernization of school facilities, irrespective of whether state moneys are involved in the financing of the proposed project, shall be approved by the state board of education prior to carrying into effect the provisions of such plan.

NEW SECTION

WAC 180-31-025 **APPLICATION PROVISIONS.** Prior to applicant district submitting an application to request state board of education consideration of a proposed project and requesting a study and survey of the districts pursuant to chapter 180-25 WAC, the application as submitted to the superintendent of public instruction shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the school facility is to be located or, in the event of modernization, the board of directors in which jurisdiction the facility is located;

(b) Designate such board of directors as the legal applicant. Evidence shall be submitted that the said resolution has been incorporated in the official record of the board of directors of each participating school district; and

(c) Certify that the facility shall be used for the purpose for which it was constructed unless an exception is granted by the state board of education.

(2) Copy of contracts(s) between applicant district and participating school districts prepared in accordance with provisions in WAC 180-31-030.

(3) A statement defining the education program or services to be offered and the number and grade level(s) by district of all students to be housed in the proposed new or modernized facility.

(4) A description of the proposed project including size in terms of square feet and the estimated cost of construction including professional services, sales tax, site acquisition and site development.

(5) An area map indicating location of schools within the participating school districts and the location of the proposed new or modernized school facility.

NEW SECTION

WAC 180-31-030 **INTERDISTRICT COOPERATIVE AGREEMENTS.** Interdistrict agreements between applicant and participating districts shall contain and set forth a description of the following elements:

(1) Financial terms by which each cooperating district will participate in the cost of construction or modernization and operation of the school facility;

(2) Administration of the school facility and of the program or services to be offered therein and specific services to be utilized by each participating school district;

(3) Duration of the interdistrict cooperation agreement; and

(4) Procedures for dissolution of cooperative operation of the school facility including but not limited to the following:

(a) Ownership of all capital equipment and school facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the state board of education in accordance with provisions hereinafter in WAC 180-31-040.

NEW SECTION

WAC 180-31-035 **APPROVAL OF PROGRAM OR SERVICES BY SUPERINTENDENT OF PUBLIC INSTRUCTION.** Approval by the superintendent of public instruction of the educational program or services to be offered in the proposed new or modernized facility and the proposed administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new or modernization of facilities.

NEW SECTION

WAC 180-31-040 **DISSOLUTION PROVISIONS.** (1) Procedures for the dissolution of the operation of school facilities pursuant to an interdistrict cooperative agreement shall not be instituted prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities: **PROVIDED,** That a request for dissolution prior to such ten-year period may be approved when, in the judgment of the state board of education, there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and approval prior to proceeding with dissolution action.

**WSR 83-17-131  
PROPOSED RULES  
STATE BOARD  
OF EDUCATION**

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Interdistrict transportation cooperatives, chapter 180-32 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.



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

Dated: August 24, 1983

By: Monica Schmidt  
Secretary

#### STATEMENT OF PURPOSE

**Rule:** Chapter 180-32 WAC, State assistance in providing school plant facilities—Interdistrict transportation cooperatives.

**Rule Section(s):** WAC 180-32-005, Authority; 180-32-010, Purpose; 180-32-015, Interdistrict transportation cooperative members—Definition; 180-32-020, Interdistrict transportation cooperative—Cooperative plan subject to state board of education approval; 180-32-025, Application provisions; 180-32-030, Interdistrict agreements; 180-32-035, Approval—State board of education; 180-32-040, Dissolution provisions; 180-32-045, Interdistrict transportation cooperative—Types; 180-32-050, Site conditions—Approval criteria; 180-32-055, Site disapproval by superintendent of public instruction—Appeal to state board of education; 180-32-060, Design team—Architect/engineering services; 180-32-065, Support level—Furniture and equipment allowances; and 180-32-070, Interdistrict transportation cooperatives—State Assistance.

**Statutory Authority:** RCW 28A.47.830.

**Purpose of the Rule(s):** To establish procedures and policies regarding state financial support for school plant construction.

**Summary of the New Rule(s) and/or Amendments:** WAC 180-32-005, Cites authority; 180-32-010, sets forth the purpose of chapter and its compliance as a prerequisite to an application for state funds. Lists WAC sections that apply to the construction of interdistrict transportation cooperatives; 180-32-015, defines (1) participative members of an interdistrict transportation cooperative, (2) a "contract" member of an interdistrict transportation cooperative, and (3) applicant district; 180-32-020, requires the state board of education approval of any financial plan for construction of an interdistrict transportation cooperative prior to carrying out their plan; 180-32-025, list of documents and data required from applicant school district before submitting application to the state board of education for proposed project; 180-32-030, sets forth elements of interdistrict agreements between participating and contract districts; 180-32-035, requires superintendent of public instruction approval of services to be offered and how they are administered in the new or modernized facility as a prerequisite to state board approval; 180-32-040, sets forth provisions on when and how the interdistrict transportation cooperative may dissolve; 180-32-045, sets forth the size and type of facility that an interdistrict cooperative is eligible to construct, based on number of buses in service at time of application in the cooperative; 180-32-050, lists the conditions for approval required of a site for the construction of an interdistrict transportation center; 180-32-055, provides for the appeal to state board of education of a site disapproval by the superintendent of public instruction; 180-32-060, provides for

the determination of architectural/engineering service fees for interdistrict transportation cooperatives; 180-32-065, sets forth the process for determination of the amount of money an interdistrict transportation cooperative is eligible for the purchase of furniture and equipment; and 180-32-070, provides for the local funding for an eligible approved interdistrict transportation cooperative.

**Reasons Which Support the Proposed Action(s):** This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

**Agency Personnel Responsible for Drafting:** Ralph E. Julnes, SPI, 753-2298; **Enforcement:** Perry Keithley, SPI, 753-6742; and **Implementation:** Robert Minnitti, SPI, 753-6702.

**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 state policies regarding school construction.

#### Chapter 180-32 WAC

#### STATE ASSISTANCE IN PROVIDING SCHOOL PLANT FACILITIES—INTERDISTRICT TRANSPORTATION COOPERATIVES

#### NEW SECTION

**WAC 180-32-005 AUTHORITY.** This chapter is adopted pursuant to RCW 28A.47.830 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, 28A.47.080, and 28A.47.801 through 28A.47.809.

#### NEW SECTION

**WAC 180-32-010 PURPOSE.** The purpose of this chapter is to set forth provisions applicable prior to a district's application for state assistance in the construction of interdistrict transportation cooperative facilities. Except as otherwise noted in this chapter, the rules and regulations which apply to state assistance in financing school facilities set forth below shall apply to the construction of interdistrict transportation cooperatives:

(1) Basic state support: WAC 180-27-040, 180-27-060, and 180-27-070 through 180-27-125.

(2) Procedural regulations: WAC 180-29-055 through 180-29-170.

#### NEW SECTION

**WAC 180-32-015 INTERDISTRICT TRANSPORTATION COOPERATIVE MEMBERS—DEFINITION.** As used in this chapter:

(1) "Participating member" means a district in a cooperative which anticipates making full use of all the services offered by the cooperative and provides its agreed share of matching funds required by the state board of education. A participating member must be a member of the cooperative for at least ten years.

(2) "Contract member" means a district which contracts to use the services of the cooperative as outlined in the initial agreement for at least three years. At a minimum, contracts for service shall include lubrication, oil and filter changes on a regular basis.

(3) "Applicant district" means the school district in which the proposed interdistrict transportation cooperative facility is to be located or



in which the facility proposed for modernization is located. It shall be the responsibility of said applicant district to submit the application for financial plan approval.

**NEW SECTION**

**WAC 180-32-020 INTERDISTRICT TRANSPORTATION COOPERATIVE—COOPERATIVE PLAN SUBJECT TO STATE BOARD OF EDUCATION APPROVAL.** Any financial plan for construction of an interdistrict transportation cooperative, whether or not state funds are involved in the financing of the proposed project, shall be approved by the state board of education prior to implementing the provisions of such plan.

**NEW SECTION**

**WAC 180-32-025 APPLICATION PROVISIONS.** The school district shall submit a written application to the superintendent of public instruction which shall include but not be limited to the following documents and data:

(1) A joint resolution by the board of directors of all participating school districts which shall:

(a) Confer contractual authority and subsequent ownership on the board of directors in which jurisdiction the facility is to be located or, in the event of modernization, in which jurisdiction the facility is located;

(b) Designate such board of directors as the legal applicant; and

(c) A copy of the official record of the board of directors of each participating school district indicating that the resolution has been formally adopted.

(2) Copy of contract(s) between districts prepared in accordance with chapter 180-31 WAC.

(3) A written description of services to be offered in the proposed interdistrict transportation cooperative, including number of districts involved and whether or not cooperating members are participating districts or contract districts; the number of buses from each participating and contract district to be serviced, and number of bus miles traveled per year for each participating and contract district.

(4) A description of the proposed project including square footage and the estimated cost of construction including professional services, sales tax, site costs, and site development.

(5) An area map indicating location of the facility in relationship to the participating and contract school districts.

**NEW SECTION**

**WAC 180-32-030 INTERDISTRICT AGREEMENTS.** Interdistrict agreements between participating and contract districts shall contain and set forth descriptions of the following elements:

(1) Financial terms by each cooperating district shall participate in the cost of construction or modernization and operation of the facility.

(2) The district administering the facility and the program or services to be offered therein and specific services to be utilized by each participating school district.

(3) Duration of the interdistrict cooperation agreement.

(4) Procedures for dissolution of cooperative operation of the facility including but not limited to the following:

(a) Ownership of all capital equipment and facilities;

(b) Distribution of assets or the payments to be made to the participating districts; and

(c) Minimum period of operation prior to dissolution consideration and approval by the state board of education in accordance with chapter 180-31 WAC.

**NEW SECTION**

**WAC 180-32-035 APPROVAL—STATE BOARD OF EDUCATION.** Approval by the superintendent of public instruction of services to be offered in the proposed interdistrict transportation cooperative and the proposed district administration of such program or services shall be a prerequisite for approval by the state board of education of an interdistrict cooperative financial plan for construction of new facilities or modernization of existing facilities.

**NEW SECTION**

**WAC 180-32-040 DISSOLUTION PROVISIONS.** (1) Procedures for the dissolution of the operation of interdistrict cooperatives under an interdistrict cooperative agreement shall not be instituted

prior to the expiration of ten years after the date of state board of education approval of the financial plan for the construction of such school facilities: PROVIDED, That a request for dissolution prior to the expiration of ten years may be approved when in the judgment of the state board of education there is substantiation of sufficient cause therefor.

(2) Any plan for dissolution as described in subsection (1) of this section shall be submitted to the state board of education for review and written approval prior to proceeding with dissolution action.

**NEW SECTION**

**WAC 180-32-045 INTERDISTRICT TRANSPORTATION COOPERATIVE—TYPES.** Except as otherwise noted, the amount of the final allocation of state funds in the construction of an approved interdistrict transportation cooperative facility shall be based on the number of buses in actual service and the number of buses for which the cooperative has contracted from other districts at the time of application and in accordance with the following cooperative types and square footage allowances:

| Type  | Number of Buses | Square Footage |            |
|-------|-----------------|----------------|------------|
|       |                 | Minimum        | Maximum    |
| One   | 96 or more      | 21,000         | Negotiable |
| Two   | 46-95           | 15,000         | 20,999     |
| Three | 0-45            | 10,000         | 14,999     |

**NEW SECTION**

**WAC 180-32-050 SITE CONDITIONS—APPROVAL CRITERIA.** The superintendent of public instruction shall conduct an on-site review and evaluation of a proposed site and shall approve a site that meets the following conditions:

(1) The property upon which the facility is or will be located is free and clear of all encumbrances that would detrimentally interfere with the construction and operation or useful life of the interdistrict transportation cooperative.

(2) The minimum acreage of type one shall be seven acres; type two, five acres, and type three, three acres.

(3) The applicant district has retained the services of a civil engineer who is licensed to practice in the state of Washington to take borings on the site who has determined that the site will sustain the proposed structure.

(4) The on-site review by the superintendent of public instruction has determined that:

(a) The site accessibility is convenient and efficient for participating and contract school districts with the least amount of disturbance to the area in which it is located; and

(b) The site topography is conducive to desired site development.

(5) The site has been approved by the following agencies:

(a) The health agency having jurisdiction;

(b) The local planning commission or authority; and

(c) The state department of ecology.

**NEW SECTION**

**WAC 180-32-055 SITE DISAPPROVAL BY SUPERINTENDENT OF PUBLIC INSTRUCTION—APPEAL TO STATE BOARD OF EDUCATION.** For any site disapproved, the superintendent of public instruction shall state the reasons in writing to the board of directors affected. Such board may appeal the decision of the superintendent of public instruction to the state board of education but the approval criteria specified in WAC 180-32-055 shall not be waived.

**NEW SECTION**

**WAC 180-32-060 DESIGN TEAM—ARCHITECT/ENGINEERING SERVICES.** Architect/engineering service fees for matching purposes shall be determined pursuant to WAC 180-27-070.

**NEW SECTION**

**WAC 180-32-065 SUPPORT LEVEL—FURNITURE AND EQUIPMENT ALLOWANCES.** An allowance for furniture and equipment purchases shall be added to the total construction costs of a project determined eligible for state matching assistance. The equipment allowance shall be determined by multiplying the approved square foot area of the project by the prevailing area cost allowance of

state support at time of bid and that product multiplied by seven percent.

#### NEW SECTION

WAC 180-32-070 INTERDISTRICT TRANSPORTATION COOPERATIVES—STATE ASSISTANCE. In the financing of an approved interdistrict transportation cooperative, the state board of education shall provide ninety percent of the total approved project cost determined eligible for state matching purposes.

**WSR 83-17-132**  
**PROPOSED RULES**  
**STATE BOARD**  
**OF EDUCATION**  
 [Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning School building construction—Modernization, chapter 180-33 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.47.830.

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

Dated: August 24, 1983

By: Monica Schmidt  
Secretary

#### STATEMENT OF PURPOSE

Rule: Chapter 180-33 WAC, School building construction—Modernization.

Rule Section(s): WAC 180-33-005, Authority; 180-33-007, Purpose; 180-33-010, Definitions; 180-33-015, Eligibility for state financial assistance; 180-33-020, Formula for determining the amount of state assistance; 180-33-025, Space eligible for state financial assistance in modernization; 180-33-030, Certification of continued use; 180-33-035, Minimum project—Ten percent of replacement costs; 180-33-040, Maximum costs eligible for state matching purpose—Eighty percent of replacement cost; 180-33-045, Architect and engineering services; 180-33-050, Study and survey of school district as prerequisite; 180-33-055, Regulations governing; and 180-33-060, Procedural requirements.

Statutory Authority: RCW 28A.47.830.

Purpose of the Rule(s): To establish procedures and policies regarding state financial support for school plant construction.

Summary of the New Rule(s) and/or Amendments: WAC 180-33-005, cites authority; 180-33-007, provisions for modernizing existing school facilities; 180-33-010, defines the term "modernization"; 180-33-015, defines eligibility requirements modernizing existing facilities. Specifically, excludes the incentive program for

modernization projects and those projects whose purposes are to perform piecemeal work or solve delayed maintenance problems; 180-33-020, specifies that the state assistance for modernization projects shall be determined pursuant to the same statutory formula as new construction projects; 180-33-025, establishes space eligibility criteria for modernization projects; 180-33-030, requires the school districts to certify continued use of modernized facilities; 180-33-035, sets forth minimum requirements for modernization projects; 180-33-040, sets forth maximum state matching costs for modernization projects; 180-33-045, sets forth levels of state assistance for design team services; 180-33-050, requires districts to submit notice of intent to undertake a facilities project and requests superintendent of public instruction to study and survey existing facilities; 180-33-055, lists all other chapters with regulations governing modernization projects; and 180-33-060, sets forth procedural requirements.

Reasons Which Support the Proposed Action(s): This is one of several new chapter recodifying policies and practices regarding state assistance for school plant facilities.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Enforcement: Perry Keithley, SPI, 753-6742; and Implementation: Robert Minnitti, SPI, 753-6702.

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 state policies regarding school construction.

#### AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-005 AUTHORITY ((AND PURPOSE)). ((Pursuant to RCW 28A.47.060, the state board of education hereby establishes rules and regulations as set forth in chapter 180-33 WAC to govern the allocation of state funds for modernization of existing school facilities as provided by RCW 28A.47.073.)) This chapter is adopted pursuant to RCW 28A.47.830 which authorizes the state board of education to prescribe rules and regulations governing the administration, control, terms, conditions, and disbursements of moneys to school districts to assist them in providing school facilities. In accordance with RCW 28A.47.830, the only provisions of chapter 28A.47 RCW currently applicable to state assistance for school facilities are RCW 28A.47.073, 28A.47.075, and 28A.47.801 through 28A.47.809.

#### NEW SECTION

WAC 180-33-007 PURPOSE. The purpose of this chapter is to set forth provisions applicable to basic state support and assistance in the modernization of existing school facilities.

#### AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-010 DEFINITIONS. As used in this chapter: ((the term:

((+)) "Modernization" shall mean the making of major structural changes in such facilities and may include as incidental thereto the replacement of fixtures, fittings, furnishings, and service systems of a ((building)) school facility in order to bring it up to a contemporary state consistent with the needs of changing educational programs and applicable codes.

~~((2)) "School facility" shall mean the quantity and description of buildings and sites belonging to or used by a school district for instruction and services supporting instruction for specific grade levels.~~

~~((3)) "Major structural change" shall mean major components of a school facility contributing to the basic structure and shall not include those components such as portable partitions, free-standing panels and screens, portable equipment, and furnishings that do not contribute to the basic structure.~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-015 ELIGIBILITY FOR STATE FINANCIAL ASSISTANCE. (1) In order to be eligible for state financial assistance, a modernization project shall have as its principal purpose one or more of the following:

(a) Bringing a facility into compliance with current building and health codes when so required by state or local health or safety officials rather than replacing the facility;

(b) Changing the instructional use or instructional purpose of a facility; or

(c) The reduction of the number of operating school facilities in a district by combining the remaining school facilities through modernization and new capital construction so as to achieve more cost effective and efficient operation in the combined school facility or facilities. In order to be eligible for state financial assistance, such a project shall result in additional space for at least 100 additional pupils and the following enrollment in any combined facility:

- (i) Elementary school facility — 500 pupils;
- (ii) Middle or junior high school facility — 700 pupils;
- (iii) Senior high school facility — 850 pupils;

PROVIDED, That modernization projects in school districts with a high school enrollment of less than 850 pupils need not comply with the enrollment figures set forth above.

(2) School districts shall certify that a proposed modernization project will extend the life of the modernized school facility by at least twenty years during which time the district shall be ineligible for state matching funds for replacement of the affected facility.

(3) School districts shall be ineligible for (a) state financial incentives as set forth in chapter 180-27 WAC, and (b) assistance where the principal purpose of a modernization project is to:

- ~~((a)) (i) Solve delayed maintenance problems;~~
- ~~((b)) (ii) Perform piecemeal work on one section or system of a school facility;~~
- ~~((c)) (iii) To modernize a senior high school facility in a district with a senior high school where((:~~
- ~~((d)) there is existing space available to serve the students involved or affected in a neighboring senior high school without, in the judgment of the state board of education, an undue increase in the cost of transporting the students to and from school, decrease in educational opportunity, or proportional increase in the cost of instruction((:~~
- ~~((e)) The operating district can be united with another district or districts for the purpose of establishing a high school of more acceptable size)) pursuant to chapter 180-25 WAC.~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-020 FORMULA FOR ~~((CALCULATING))~~ DETERMINING THE AMOUNT OF STATE ASSISTANCE. ~~((The extent of state financial assistance in the modernization of school facilities shall be calculated on the basis of the following formula:~~

~~Square feet of space eligible for modernization assistance as per WAC 180-33-025 times the dollar per square foot match times the percentage of state assistance to which a district is entitled under the state matching formula set forth in RCW 28A.47.803 times the state modernization matching figure as set forth in WAC 180-33-040 equals the amount of state financial assistance in modernization to which a school district shall be entitled.)) State assistance in an approved modernization project shall be derived by applying the percentage of state assistance determined pursuant to provisions of RCW 28A.47.803 and WAC 180-27-025 to the eligible cost which shall be calculated by multiplying the approved square foot area of the modernization project by the area cost allowance for state support by the factor in WAC 180-33-040 set forth, any cost in excess thereof shall be financed entirely by the school district.~~

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-025 SPACE ELIGIBLE FOR STATE FINANCIAL ASSISTANCE IN MODERNIZATION. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of (1)(a) and (1)(b) of WAC 180-33-015, a school district shall estimate capacity needs on the basis of a ~~((five-year))~~ cohort ~~((survival or adjusted cohort))~~ survival enrollment as per WAC ~~((180-30-110(2)))~~ 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization with the exception as stated in subsection (2) below.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the facility is eligible for state financial assistance. If less than 3/4 of the overall square footage of the facility is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space.

(3) In determining the eligible space for modernizing vocational-technical institutes, enrollment data furnished by the school district will be reviewed by the superintendent of public instruction or his or her designee.

(4) In planning for modernization in any combined facility as per WAC 180-33-015(3)(c) a school district shall estimate enrollment in the district on the basis of a ~~((five-year))~~ cohort survival ~~((or adjusted cohort survival))~~ enrollment as per WAC ~~((180-30-110(2)))~~ 180-27-045.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-030 CERTIFICATION OF CONTINUED USE. Any school facilities modernized under WAC 180-33-015 must be used for at least five years beyond the completion of modernization. Any school facility modernized pursuant to this chapter shall be ineligible for additional funding pursuant to this chapter for a period of five years following completion of the modernization. School directors will pass a resolution and submit it to the state board of education that the modernized facility will be used for instructional purposes for five years after the completion of the project. If the school facility is not used for instructional purposes during this five-year period, the amount of state money allocated and spent for the modernization project must be returned to the state school building construction fund. The five-year use requirement and the five year prohibition against additional modernization funding shall be waived in the event that a facility is rendered permanently unusable before the end of the five-year period by an ~~((unforeseen))~~ unforeseen natural event. The definition of "~~((unforeseen))~~unforeseen natural event" shall be as set forth in RCW 28A.41.170.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-035 MINIMUM PROJECT~~((S))~~—TEN PERCENT OF REPLACEMENT COSTS. State assistance in modernization of school facilities shall be limited to projects which may include an entire facility or one or more complete buildings within a facility for which the estimated cost of major structural change is not less than ten percent of the estimated cost of replacement ~~((with a comparable facility computed on the basis of the prevailing square foot cost of state support as in WAC 180-30-115))~~ said replacement cost shall be derived from multiplication of the total square foot area of the facility or facilities proposed for modernization by the area cost allowance of state support at projected time of bid as in WAC 180-27-045 set forth. If an emergency rendering the school facility unusable exists within the district, necessitating modernization under WAC 180-33-015(1)(a), the state board of education may waive the ten percent requirement.

AMENDATORY SECTION (Amending Order 13-81, filed 12/1/81)

WAC 180-33-040 MAXIMUM COSTS ELIGIBLE FOR STATE MATCHING PURPOSES—EIGHTY PERCENT OF REPLACEMENT COST. The cost of an approved modernization project in excess of eighty percent of the estimated cost ~~((per square foot))~~ of replacement with a comparable school facility computed on the basis of the prevailing square foot cost level of state support as in ~~((WAC 180-30-115))~~ chapter 180-27 WAC set forth shall be paid from school district local funds in excess of such local funds applied toward

the modernization cost in accordance with the statutory formula and state board of education regulations governing basic support level as in ((WAC 180-30-100 through 180-30-117 and 180-30-125 through 180-30-135)) chapter 180-27 WAC set forth.

**AMENDATORY SECTION** (Amending Order 13-81, filed 12/1/81)

WAC 180-33-045 ((~~ARCHITECTURAL~~) **ARCHITECT AND ENGINEERING SERVICES**). In the allocation of state funds for an approved modernization project, architectural and engineering services eligible for state matching purposes shall not exceed one and one-half times the architectural and engineering services as in ((~~WAC 180-30-120~~) chapter 180-27 WAC set forth.

**AMENDATORY SECTION** (Amending Order 13-81, filed 12/1/81)

WAC 180-33-050 **STUDY AND SURVEY OF ((EXISTING FACILITIES)) SCHOOL DISTRICT AS PREREQUISITE. ((+))** A survey of facilities proposed for modernization conducted under the direction of the superintendent of public instruction as per chapter 180-25 WAC shall be a prerequisite for consideration of an application for state participation in financing of a modernization project.

((2) Upon determination by the superintendent of public instruction that the survey indicates the proposed modernization project is consistent with the project eligibility requirements hereinbefore in chapter 180-33 WAC set forth, the school district shall provide such information and data on forms prescribed for that purpose as may be necessary to determine the eligibility of the school district for state assistance and the amount of such assistance allocable under state board of education regulations:))

**AMENDATORY SECTION** (Amending Order 13-81, filed 12/1/81)

WAC 180-33-055 **REGULATIONS GOVERNING**. In addition to the regulations hereinbefore in chapter 180-33 WAC prescribed; all regulations governing the basic assistance program prescribed in chapters ((180-30)) 180-25, 180-26, 180-27, and 180-29 WAC shall govern administration of state participation in financing modernization of school facilities: PROVIDED, That compliance with those regulations not pertinent to modernization projects as determined by the superintendent of public instruction shall not be required.

**AMENDATORY SECTION** (Amending Order 13-81, filed 12/1/81)

WAC 180-33-060 **PROCEDURAL REQUIREMENTS**. The superintendent of public instruction shall determine procedures and forms for the administration of state participation in financing modernization of school facilities, such procedures and forms to be in addition to or in lieu of procedural requirements prescribed in chapter ((180-30)) 180-29 WAC.

**WSR 83-17-133  
PROPOSED RULES  
STATE BOARD  
OF EDUCATION  
[Filed August 24, 1983]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning private schools, chapter 180-90 WAC;

that the agency will at 9:00 a.m., Thursday, October 6, 1983, in the Boeing Spacearium Theater, Building 4, Pacific Science Center, Seattle, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 7, 1983.

The authority under which these rules are proposed is RCW 28A.02.240.

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

Dated: August 24, 1983  
By: Monica Schmidt  
Secretary

**STATEMENT OF PURPOSE**

Rule: Chapter 180-90 WAC, Private schools.

Rule Section(s): WAC 180-90-125, Additional definitions—Exceptional cases, unusual competence, general supervision; and 180-90-160, Minimum standards and certificate form.

Statutory Authority: RCW 28A.02.240.

Purpose of the Rule(s): These rules establish the procedures and standards governing the approval/disapproval of private schools by the State Board of Education.

Summary of the New Rule(s) and/or Amendments: They delete the requirement of health certificate registration per section 1, chapter 56, Laws of 1983; and codify the administrative construction of what constitute "exceptional cases" and "people of unusual competence" as these terms are used in RCW 28A.02.201(3)(b) for the purpose of exempting private school teachers from state certification licensing requirements.

Reasons Which Support the Proposed Action(s): Official clarification of statutory and current rule terminology will serve to advise private schools of the State Board of Education's position, facilitate uniform enforcement, and tend to moot confusion.

Person or Organization Proposing the Rule(s): State Board of Education, government.

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 753-2298; Implementation and Enforcement: Monica Schmidt, SPI, 753-6715.

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): [No information supplied by agency]

**NEW SECTION**

WAC 180-90-125 **ADDITIONAL DEFINITIONS—EXCEPTIONAL CASES, UNUSUAL COMPETENCE, GENERAL SUPERVISION**. As used in this chapter, the terms, "exceptional case," "unusual competence," and "general supervision" shall be defined in operational terms as applied to the type of course taught.

(1) If applied to a course generally taught in the schools of the state, the term:

(a) "Exceptional case" shall mean that:

(i) A certificated teacher or, if applicable, a certificated teacher with an appropriate endorsement is not available for employment for the period of need; and

(ii) The educational program offered by the private school will be significantly impaired without the offering of the course for the stated period of need.

(b) "Unusual competence" shall mean the person:

(i) Has served for three school years as a certificated teacher but who does not have the appropriate endorsement, has served for three school years as an instructional aide under the direct supervision of a certificated teacher, or has served for three calendar years in a position that requires application of the subject knowledge contained in the course to be taught; and

(ii) Possesses most but not all of the requirements for a certificate to teach the course in the schools of the state and is progressing toward acquiring Washington certification whenever possible; and

(iii) Meets the age and character requirements of WAC 180-75-085 (1) and (2) for teacher certification and has not had a certificate to teach revoked by any state or authority within any foreign nation.

(c) "General supervision" shall mean that a certificated teacher or principal who is generally available at the school site shall observe, advise, direct, and evaluate the work of the person in the areas of deficiency as documented by application of the criteria specified in subsection (1)(b)(ii) of this section.

(2) If applied to a course generally not taught in the schools of the state, the term:

(a) "Exceptional case" shall mean that:

(i) A certificated teacher or, if applicable, a certificated teacher with the appropriate endorsement is not available for the period of need; and

(ii) The educational program offered by the private school will be significantly improved by the offering of the course for the stated period of need.

(b) "Unusual competence" shall mean the person:

(i) Has had three or more calendar years experience in applying knowledge contained in the course to be taught;

(ii) Possesses either by experience or formal training the knowledge to be considered by colleagues an expert in the field of knowledge but may, if not a certificated teacher, lack skills or knowledge in educational methods or pedagogy; and

(iii) Meets the age and character requirements of WAC 180-75-085 (1) and (2) for teacher certification and has not had a certificate to teach revoked by any state or authority within any foreign nation.

(c) "General supervision" shall mean that a certificated teacher or principal who is generally available at the school site shall observe, advise, direct, and evaluate the work of the person in the areas of deficiency as documented by application of the criteria specified in subsection (2)(b)(ii) of this section.

AMENDATORY SECTION (Amending Order 3-82, filed 1/21/82)

WAC 180-90-160 MINIMUM STANDARDS AND CERTIFICATE FORM. The annual certificate required by WAC 180-90-130 shall be in substantial compliance with the form and substance of the following:

CERTIFICATE OF COMPLIANCE WITH STATE STANDARDS

STATE OF WASHINGTON

County of ..... } ss.

I, ....., do hereby certify that I am the principal or chief administrator of ..... school (or, the superintendent of the ..... school district); that said school (or, that the schools within said district) is (are) located at ....., Washington ..... (zip), and conducts (conduct) grades ..... through .....; and that said school(s) meets (meet), and is (are) scheduled to meet throughout the ..... school year, the following standards with the exception only of such deviations as are set forth below:

(1) The minimum school year consists of no fewer than 180 school days (for all matters pertaining to teacher certification or for computing experience in teaching);

(2) On each school day, pupils enrolled in the school are provided the opportunity to be engaged in educational activity planned by and under the direction of the staff, as directed by the administration and governing board;

(a) Each private school shall make available to students in grades one through three at least a total program hour offering of 2700 hours.

(b) Each private school shall make available to students in grades four through six at least a total program hour offering of 2970 hours.

(c) Each private school shall make available to students in grades seven and eight at least a total program hour offering of 1980 hours.

(d) Each private school shall make available to students in grades nine through twelve at least a total program hour offering of 4320 hours.

(3) All classroom teachers hold appropriate Washington State certification except for:

(a) Teachers for religious courses or courses for which no counterpart exists in the public schools; and/or

~~(b) People of ((recognized professional)) unusual competence ((who are not certificated, but)) who, in exceptional cases, teach students but who do so under the general supervision of a certificated person ((in exceptional cases)). All such persons shall be reported annually to the superintendent of public instruction on forms provided by said superintendent, together with an explanation of the exceptional case and the unusual competence pertaining to each such person;~~

~~((c) those people of recognized professional competence who do, and to the best of my knowledge will, teach without a certificate and the circumstances necessitating their employment without a certificate are as follows: .....~~

(4) Measures have been taken to safeguard all permanent records against loss or damage through either the storage of such records in fire-resistant containers or facilities, or the retention of duplicates in a separate and distinct area;

(5) The physical facilities of the school are adequate to meet the program offered, and all school facilities and practices are in substantial compliance with reasonable health and fire safety standards, as substantiated by current inspection reports of appropriate health and fire safety officials which are on file in the chief administrator's office;

(6) The school's curriculum includes instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of appreciation of art and music in sufficient units for meeting state board of education graduation requirements, as set forth in chapter 180-56 WAC, as now or hereafter amended;

~~(7) ((Each teacher has a valid health certificate required by law and by the state department of social and health services on file with the educational service district within which the school is located;~~

~~((8)) The school or its organized district maintains up-to-date policy statements related to the administration and operation of the school or district;~~

~~((9)) (8) The school does not engage in a policy of racial segregation or discrimination.~~

Deviations from the above standards are, and to the best of my knowledge will be, as follows: .....

~~((+0)) (9) The governing authority of this private school or private school district has been apprised of the requirements of chapter 180-90 WAC relating to the minimum requirements for approval of private schools and such governing authority has further been apprised of all deviations from the rules and regulations of the state board of education and the standards contained in chapter 180-90 WAC. I have reported all such deviations herewith.~~

DATED this ..... day of ....., 19...

.....  
(signed)  
.....  
(address)  
.....  
(phone number)

WSR 83-17-134  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning submission of plans and reports for construction of wastewater facilities, amending chapter 173-240 WAC;

that the agency will at 2:00 p.m., Wednesday, October 12, 1983, in the Air and Land Office Hearings Room, Rowsix, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 16, 1983.

The authority under which these rules are proposed is chapter 43.21A and 90.48 RCW.

The specific statute these rules are intended to implement is chapter 90.48 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 19, 1983.

Dated: August 23, 1983

By: John F. Spencer  
Deputy Director

#### STATEMENT OF PURPOSE

**Title:** Amendments to chapter 173-240 WAC, Submission of plans and reports for construction of wastewater facilities.

**Description of Purpose:** The purpose of these proposed rule changes is to update four year old regulations and to improve operation and maintenance of wastewater facilities in order to protect water quality.

**Statutory Authority:** RCW 90.48.110.

**Summary of Rule Changes:** Proposes restrictions on use of large subsurface disposal systems, requires public ownership and operation and maintenance of domestic wastewater facilities, requires construction quality assurance plans, and other minor changes intended to update the regulations.

**Reasons Supporting Proposed Action:** These amendments are necessary to update regulations adopted in 1979 and to improve operation and maintenance of wastewater facilities in order to protect the quality of the states' waters.

**Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Toney Barrett, 459-6071, Bruce Cameron, 459-6053, and Mike Palko, 459-6069, Department of Ecology, Mailstop PV-11, Olympia, WA 98504.

**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:** The Regulatory Fairness Act, chapter 19.85 RCW, requires that rules which have an economic impact on more than 20 percent of all industries or more than 10 percent of the businesses in any one industry be reviewed and altered to minimize their impact on small businesses. Chapter 173-240 WAC is a set of rules (implementing RCW 90.48.110) which requires that industries, which treat wastewater to be discharged, file "plans and specifications," "engineering reports," and "general sewer plans" for approval prior to construction, modification, and operation of the treatment facilities. A list of the industries potentially impacted by chapter 173-240

WAC is on file at the code reviser's office and is available for public inspection. Chapter 173-240 WAC impacts most manufacturing industries and other industries which generate wastewater. Cost of compliance with these rules is dependent on the amount and type of wastewater, and the method of treatment. Within any single industry, cost of compliance is probably related to size of firm (defined in chapter 19.85 RCW by number of employees), assuming the businesses in any one industry use similar procedures. Therefore, chapter 173-240 WAC meets the intent of the Regulatory Fairness Act.

#### AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-010 PURPOSE AND SCOPE. The purpose of this chapter is to implement RCW 90.48.110. The department interprets "plans and specifications" as mentioned in RCW 90.48.110 as including "engineering reports," (~~"final plans,"~~) "plans and specifications," and "general sewer plans," all as defined in WAC 173-240-020. This chapter also includes provisions for review and approval of proposed methods of operation and maintenance (~~(, which for certain facilities means that an operation and maintenance manual must be prepared and approved)~~).

#### AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-020 DEFINITIONS. (1) "Approval" means written approval.

(2) "Construction quality assurance plan" means a plan describing the methods by which the professional engineer in responsible charge of inspection of the project will determine that the facilities were constructed without significant change from the department approved plans and specifications.

(3) "Department" means the Washington state department of ecology.

~~((3))~~ (4) "Domestic wastewater" means water carrying human wastes, including kitchen, bath, and laundry wastes from residences, buildings, industrial establishments or other places, together with such groundwater infiltration (~~(;)~~) or surface waters (~~(or industrial waste)~~) as may be present.

~~((4))~~ (5) "Domestic wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of domestic wastewater together with such industrial waste as may be present. In the case of subsurface sewage treatment and disposal, the term is restricted to mean those facilities treating and disposing of domestic wastewater only from:

(a) A septic tank system with ~~((either))~~ subsurface sewage treatment and disposal and an ultimate design capacity exceeding fourteen thousand five hundred gallons per day (~~(, or designed to ultimately serve fifty or more living units)~~); or

(b) A mechanical treatment system or lagoon (~~((with))~~) followed by subsurface disposal (~~((and))~~) with ~~((either))~~ an ultimate design capacity exceeding three thousand five hundred gallons per day (~~(, or designed to ultimately serve ten or more living units)~~).

Where the proposed system utilizing subsurface disposal has received a state construction grant or a federal construction grant under the Federal Water Pollution Control Act as amended, such system is a "domestic wastewater facility" regardless of size.

~~((5))~~ (6) "Engineering report" means a document (~~((describing the results of a thorough engineering study of a particular domestic or industrial wastewater facility project. The report presents preliminary design alternatives and recommends one of them. It sets forth preliminary layouts, treatment techniques, costs, and operating considerations. It establishes the design and water quality criteria to be used in preparation of the plans and specifications))~~) which thoroughly examines the engineering and administrative aspects of a particular domestic or industrial wastewater facility. The report shall contain the appropriate information required in WAC 173-240-060 or 173-240-130. In the case of a domestic wastewater facility project, ~~((it))~~ the report describes the recommended financing method.

The facility plan described in federal regulation 40 CFR 35 is an "engineering report." This federal regulation describes the Environmental Protection Agency's municipal wastewater construction grants program.

~~((The preliminary engineering report required for some industrial wastewater facilities is an "engineering report."))~~

~~(6) "Final plans" means the final conceptual drawings and information submitted to the department for approval prior to construction or modification of industrial wastewater facilities. Final plans are preceded by an approved engineering report.))~~

(7) "General sewer plan" means the:

(a) Sewerage general plan adopted by counties under chapter 36.94 RCW; or

(b) Comprehensive plan for a system of sewers adopted by sewer districts under chapter 56.08 RCW; or

(c) Plan for a system of sewerage adopted by cities under chapter 35.67 RCW; or

(d) Comprehensive plan for a system of sewers adopted by water districts under chapter 57.08 RCW; or

(e) Plan for sewer systems adopted by public utility districts under chapter RCW 54.16 and port districts under chapter 53.08 RCW.

(f) The "general sewer plan" is a comprehensive plan for a system of sewers adopted by a local government entity. The plan includes the items specified in each respective statute. It includes the general location and description of treatment and disposal facilities, trunk and interceptor sewers, pumping stations, monitoring and control facilities, local service areas and a general description of the collection system to serve those areas. The plan also includes preliminary engineering in adequate detail to assure technical feasibility, provides for the method of distributing the cost and expense of the sewer system, and indicates the financial feasibility of plan implementation.

(8) "Industrial wastewater" means the water or liquid carried waste from industrial or commercial processes, as distinct from domestic wastewater. These wastes may result from any process or activity of industry, manufacture, trade or business, from the development of any natural resource, or from animal operations such as feedlots, poultry houses, or dairies. The term includes contaminated stormwater and also leachate from ~~((a sanitary landfill))~~ solid waste facilities.

(9) "Industrial wastewater facility" means all structures, equipment, or processes required to collect, carry away, treat, reclaim or dispose of industrial wastewater ~~((and from which discharge is to the waters of the state))~~.

(10) "Owner" means the state, county, city, town, federal agency, corporation, firm, company, institution, person or persons, or any other entity owning a domestic or industrial wastewater facility.

(11) "Plans and specifications" means the detailed drawings and specifications used in the construction or modification of domestic or industrial wastewater facilities. Except as otherwise allowed, plans and specifications are preceded by an approved engineering report. For some industrial facilities final conceptual drawings for all or parts of the system may be substituted for plans and specifications with the permission of the department.

(12) ~~((Sewer))~~ Sewerage system" means a system of sewers and appurtenances for the collection, transportation, pumping, treatment and disposal of domestic wastewater together with such industrial waste as may be present. By definition a ~~((sewer))~~ sewerage system is a "domestic wastewater facility."

(13) "Sewer line extension" shall mean any pipe added or connected to an existing sewerage system, together with any pump stations: PROVIDED, That the term does not include individual lines less than four hundred feet in length and not over eight inches in diameter running from individual buildings or dwelling units.

~~((+3))~~ (14) "Subsurface sewage treatment and disposal" means the physical, chemical, or bacteriological treatment and disposal of domestic wastewater within the soil profile by placement beneath the soil surface in trenches, beds, seepage pits, mounds, or fills.

~~((+4))~~ (15) "Waters of the state" means all lakes, rivers, ponds, streams, inland waters, ~~((underground))~~ ground waters, salt waters, and all other surface waters and watercourses within the jurisdiction of the state of Washington: PROVIDED, That the term does not include gravity side sewers which connect individual building or dwelling units to the sewer system when these side sewers are less than four hundred feet in length and not over six inches in diameter.

## DOMESTIC WASTEWATER FACILITIES

### AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-030 SUBMISSION OF PLANS AND REPORTS. (1) Prior to the construction or modification of domestic wastewater facilities, engineering reports and plans and specifications for the project shall be submitted to and approved by the department, except as noted in WAC 173-240-030~~((4) and (5) below))~~(5).

(2) All reports and plans and specifications shall be submitted by the owner or his authorized representative consistent with a compliance schedule issued by the department or at least ~~((thirty))~~ sixty days prior to the time approval is desired. ~~((The department will generally review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within the thirty-day period unless circumstances prevent, in which case the owner will be notified and informed of the reason for the delay.))~~

(3) Construction or modification of domestic wastewater facilities shall conform to the following schedule of tasks unless otherwise modified by these regulations:

(a) Submission and approval of engineering report;

(b) Submission and approval of plans and specifications;

(c) Submission and approval of construction quality assurance plan;

(d) Submission and approval of draft operation and maintenance manual; ((and))

~~((d) Certification))~~ (e) Declaration of completion of construction by the project engineer; and

(f) Submission of final operation and maintenance manual.

(4) Where two or more years has lapsed since approval of the engineering report or plans and specifications and construction has not begun, it may be necessary to update that document to reflect changed conditions such as: Water quality, services availability, regulatory requirements, or engineering technology.

(5) If the local government entity has received department approval of a general sewer plan and standard design criteria, engineering reports and plans and specifications for sewer line extensions, including pump stations, need not be submitted for approval. In this case the entity need only provide a description of the project and written assurance that the extension is in conformance with the general sewer plan. However in the following situations specific department approval is necessary for sewer line extensions prior to construction:

(a) The proposed sewers, or pump stations involve installation of overflows or bypasses; or

(b) The proposed sewers, pump or lift stations discharge to an overloaded treatment, collection, or disposal facility.

~~((5) Concerning domestic wastewater facilities utilizing subsurface disposal; upon request of the owner, the department may waive the requirement for submission of both an engineering report and plans and specifications. Where the department grants such a waiver, the plans and specifications shall include the appropriate (as determined by the department) information required in an engineering report.))~~

### NEW SECTION

WAC 173-240-035 RESTRICTIONS—SUBSURFACE DISPOSAL SYSTEMS. Domestic wastewater facilities utilizing subsurface sewage treatment and disposal, as defined in WAC 173-240-020(5), are prohibited except under extraordinary circumstances and providing:

(1) The facility is owned, operated, and maintained by a public entity, except as noted in WAC 173-240-104; and

(2) Adequate facility construction oversight is provided by the public entity; and

(3) Loading rates do not exceed 1,570 gallons per day per acre of gross land area in medium sands or finer grained soils and shall not exceed 900 gallons per day per acre of gross land area in coarser grained soils; and

(4) The proposed project is consistent with local health and land use regulations.

### AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-040 REVIEW STANDARDS. (1) The department will review general sewer plans, engineering reports, ~~((and))~~ plans and specifications, and operation and maintenance manuals for domestic wastewater facilities to ((ensure)) ascertain that the documents and proposed facilities ((are consistent with these regulations and)) will be designed, constructed, operated, and maintained to meet



effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable, and to meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state.

(2) In addition to the above, the department will review documents submitted pursuant to this chapter to ascertain that they are reasonably consistent with the appropriate sections of the state of Washington, "Criteria for Sewage Works Design." Additional references may include, but are not limited to, the following:

- (a) Manuals of Practice, Water Pollution Control Federation.
  - (b) Manuals of Engineering Practice, American Society of Civil Engineering.
  - (c) Standard Specifications for Municipal Public Works Construction, American Public Works Association.
  - (d) Considerations for Preparation of Operation and Maintenance Manuals, United States Environmental Protection Agency.
  - (e) Process Design Manuals, United States Environmental Protection Agency.
  - (f) Design Criteria for Mechanical, Electric, and Fluid System and Component Reliability, United States Environmental Protection Agency.
  - (g) ~~((Manual of Septic Tank Practice, United States Department of Health, Education, and Welfare))~~ Design Manual: Onsite Wastewater Treatment and Disposal Systems, U.S.E.P.A. October 1980.
  - (h) Guidelines for Larger On-Site Sewage Disposal Systems, Washington State Department of Social and Health Services ~~((now in draft form, or as later adopted))~~ and Department of Ecology.
  - ~~((i) Guidelines for the Formation and Operation of On-site Waste Management Systems, Washington State Department of Social and Health Services, now in draft form, or as later adopted.~~
  - ~~(j) Soil Evaluation Guidelines, Washington State Department of Social and Health Services, now in draft form, or as later adopted.~~
- (2) In addition to the above, the discharge from any domestic wastewater facility subject to a departmental waste discharge permit shall meet the applicable effluent limitations. Domestic wastewater facilities, not subject to a waste discharge permit, shall (a) provide all known, available, and reasonable methods of treatment, and (b) not alter the groundwater to the extent that this is harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or potential uses.)

#### AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-050 GENERAL SEWER PLAN. (1) All general sewer plans required of any governmental agency prior to providing sewer service are "plans" within the requirements of RCW 90.48.110. Three copies of the proposed general sewer plan and each amendment to it shall be submitted to and approved by the department prior to its implementation.

- (2) The general sewer plan shall be sufficiently complete so that engineering reports can be developed from it without substantial alterations of concept and basic considerations.
- (3) The general sewer plan shall include the following information together with any other relevant data as requested by the department. To satisfy the ~~((statutes))~~ requirements of the local government jurisdiction, additional information may be necessary.
  - (a) The purpose and need for the proposed plan.
  - (b) A discussion of who will own, operate, and maintain the system(s).
  - (c) The existing and proposed service boundaries.
  - (d) Layout map including the following:
    - (i) Boundaries. The boundary lines of the municipality or special district to be sewered, including a vicinity map;
    - (ii) Existing sewers. The location, size, slope, capacity, direction of flow of all existing trunk sewers, and the boundaries of the areas served by each;
    - (iii) Proposed sewers. The location, size, slope, capacity, direction of flow of all proposed trunk sewers, and the boundaries of the areas to be served by each;
    - (iv) Existing and proposed pump stations and force mains. The location of all existing and proposed pumping stations and force mains, designated to distinguish between those existing and proposed;
    - (v) Topography and elevations. Topography showing pertinent ground elevations and surface drainage shall be shown, as well as proposed and existing streets;

(vi) Streams, lakes, and other bodies of water. The location and direction of flow of major streams, the high and low elevations of water surfaces at sewer outlets, and controlled overflows, if any. All existing and potential discharge locations should be noted; and

(vii) Water systems. The location of wells or other sources of water supply, water storage reservoirs and treatment plants, and water transmission facilities.

(e) The population trend as indicated by available records, and the estimated future population for the stated design period. Briefly describe the method used to determine future population trends and the concurrence of any applicable local or regional planning agencies.

(f) Any existing domestic and/or industrial wastewater facilities within twenty miles of the general plan area and within the same topographical drainage basin containing the general plan area.

(g) A discussion of any infiltration and inflow problems. Also a discussion of actions which will alleviate these problems in the future.

(h) A statement regarding provisions for treatment and discussion of the adequacy of such treatment.

(i) List of all establishments producing industrial wastewater, the quantity of wastewater and periods of production, and the character of such industrial wastewater insofar as it may affect the sewer system or treatment plant. Consideration shall be given to future industrial expansion.

(j) Discussion of the location of all existing private and public wells, or other sources of water supply, and distribution structures as they are related to both existing and proposed domestic wastewater treatment facilities.

(k) Discussion of the various alternatives evaluated, and a determination of the alternative chosen, if applicable.

(l) A discussion, including a table, which shows the cost per service in terms of both debt service and operation and maintenance costs, of all facilities (existing and proposed) during the planning period.

(m) A statement regarding compliance with any adopted water quality management plan pursuant to the Federal Water Pollution Control Act as amended.

(n) A statement regarding compliance with the State Environmental Policy Act ~~((of 1971))~~ (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

#### AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-060 ENGINEERING REPORT. (1) The engineering report for a domestic wastewater facility shall include each appropriate (as determined by the department) item required in WAC 173-240-050 for general sewer plans unless an up-to-date general sewer plan is on file with the department. Normally, an engineering report is not required for sewer line extensions or pump stations. See WAC ~~((173-240-030(4)))~~ 173-240-020(13) and 173-240-030(5). The facility plan described in federal regulation 40 CFR 35 is an "engineering report."

(2) The engineering report ~~((should))~~ shall be sufficiently complete so that plans and specifications can be developed from it without substantial changes. Three copies of the report shall be submitted to the department for approval, excepting as waived under WAC 173-240-030 ~~((4 or))~~ (5).

(3) The engineering report shall include the following information together with any other relevant data as requested by the department:

(a) The name, address, and telephone number of the owner of the proposed facilities, and his authorized representative.

(b) A project description including a location map and a map of the present and proposed service area.

(c) A statement ~~((regarding))~~ of the present and expected future quantity and quality of wastewater, including any industrial wastes which may be present or expected in the sewer system.

~~((b))~~ (d) The degree of treatment required based upon applicable permits and regulations, the receiving body of water, the amount and strength of wastewater to be treated, and other influencing factors.

(e) A description of the receiving water, applicable water quality standards, and how water quality standards will be met outside of any applicable dilution zone.

~~((c))~~ (f) The type of treatment process proposed, based upon the character of the wastewater to be handled, the method of disposal, the degree of treatment required, and a discussion of the alternatives evaluated and the reasons they are unacceptable.

~~((d))~~ (g) The basic design data and sizing calculations of each unit of the treatment works. Expected efficiencies of each unit and also of the entire plant, and character of effluent anticipated.



~~((f))~~ (h) Discussion of the various sites available and the advantages and disadvantages of the site(s) recommended. The proximity of residences or developed areas to any treatment works. The relationship of the twenty-five-year and one hundred-year flood to the treatment plant site and the various plant units.

~~((f))~~ (i) A flow diagram showing general layout of the various units, ~~((including))~~ the location of the effluent discharge, and a hydraulic profile of the system.

~~((j))~~ (j) A discussion of infiltration and inflow problems, overflows and bypasses, and proposed corrections and controls.

~~((k))~~ (k) A discussion of any special provisions for treating industrial wastes, including any pretreatment requirements for significant industrial sources.

~~((g))~~ (l) Detailed outfall analysis or other disposal method selected.

~~((h))~~ (m) A discussion of the method of final sludge disposal and any alternatives considered.

~~((i))~~ (n) Provision for future needs.

~~((j))~~ (o) Staffing and testing requirements for the facilities.

~~((k))~~ (p) An estimate of the costs and expenses of the proposed facilities and the method of assessing costs and expenses. The total amount shall include both capital costs and also operation and maintenance costs for the life of the project, and shall be presented in terms of total annual cost and present worth.

~~((l))~~ (q) A statement regarding compliance with any applicable state or local water quality management plan or any such plan adopted pursuant to the Federal Water Pollution Control Act as amended.

~~((m))~~ (r) A statement regarding compliance with the State Environmental Policy Act ~~((of 1971))~~ (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

(4) The engineering report for projects utilizing land application, including seepage lagoons, irrigation, and subsurface disposal, shall include information on the following together with appropriate parts of subsection (3) of this section, as determined by the department:

(a) Soils and their permeability;

(b) ~~((Percolation rate during different times of the year;))~~  
Geohydrologic evaluation of such factors as:

~~((c))~~ (i) Depth to ~~((groundwater))~~ ground water and ground water movement during different times of the year;

~~((d))~~ Groundwater movement;

~~((e))~~ (ii) Water balance analysis of the proposed discharge area;

(iii) Overall effects of the proposed facility upon the ~~((groundwater))~~ ground water in conjunction with any other ~~((subsurface disposal))~~ land application facilities that may be present;

~~((f))~~ (c) Availability of public sewers;

~~((g))~~ (d) Reserve areas for additional subsurface disposal.

(5) The engineering report for projects funded by the Environmental Protection Agency shall, in addition to the requirements of subsection (3) or (4) of this section, follow EPA facility plan guidelines contained in the EPA publication, "Guidance for Preparing a Facility Plan" (MCD-46), and shall indicate how the special requirements contained in 40 CFR 35.719-1 will be met.

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-070 PLANS AND SPECIFICATIONS. (1) The plans and specifications for a domestic wastewater facility are the detailed construction documents by which the owner or his contractor bid and construct the facility. The content and format of the plans and specifications shall be as stated in the state of Washington, "Criteria for Sewage Works Design(-:)", and shall include a listing of the facility design criteria and a plan for interim operation of facilities during construction.

(2) Plans and specifications for sewer line shall include an analysis of the existing collection and treatment systems ability to transport and treat additional flow and loading.

(3) Two copies of the plans and specifications shall be submitted to the department for approval prior to start of construction, excepting as waived under WAC 173-240-030~~((4))~~(5).

#### NEW SECTION

WAC 173-240-075 CONSTRUCTION QUALITY ASSURANCE PLAN. (1) Prior to construction a detailed plan must be submitted to the department showing how adequate and competent construction inspection will be provided.

(2) The construction quality assurance plan shall include:

(a) Construction schedule with a summary of planned construction activities, their sequence, interrelationships, durations, and terminations.

(b) Description of the construction management organization, management procedures, lines of communication, and responsibility.

(c) Description of anticipated quality control testing including type of test, frequency, and who will perform the tests.

(d) Description of the change order process including who will initiate change orders, as well as who will review, negotiate, and approve change orders.

(e) Description of the technical records handling methodology including where plans and specifications, as-built drawings, field orders, and change orders will be kept.

(f) Description of construction inspection program including inspection responsibility, anticipated inspection frequency, deficiency resolution, and inspector qualifications.

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-080 OPERATION AND MAINTENANCE MANUAL. (1) The proposed method of operation and maintenance of the domestic wastewater facility shall be stated in the engineering report or plans and specifications and approved by the department. The statement shall be a discussion of who will own, operate, and maintain the facility and what the staffing and testing requirements are. The owner shall follow the approved method of operation after the facility is constructed, unless changes have been approved by the department.

(2) In those cases where the facility includes mechanical components, a detailed operation and maintenance manual shall be prepared prior to completion of construction. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions. Two copies of the manual shall be submitted to the department for approval prior to completion of construction.

(3) In order to assure proper operation during construction and timely review and approval of the final operation and maintenance manual, a draft manual shall be submitted in the early stages of the construction of a facility. In addition, manufacturer's information on equipment must be available to the plant operator prior to unit start-up.

(4) The operation and maintenance manual shall include the following list of topics. For those projects funded by the Environmental Protection Agency the manual shall also follow the requirements of the EPA publication, "Considerations for Preparation of Operation and Maintenance Manuals."

(a) The assignment of managerial and operational responsibilities to include plant classification and classification of required operators.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.

(e) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(f) A discussion of how the treatment facilities are to be operated during anticipated maintenance procedures, and under less than design loading conditions, if applicable, such as initial loading on a system designed for substantial growth.

(g) A section on laboratory procedures including sampling techniques, monitoring requirements, and sample analysis.

~~((g))~~ (h) Recordkeeping procedures and sample forms to be used.

~~((h))~~ (i) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

~~((i))~~ (j) A section on safety.

~~((j))~~ (k) A section stating the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

~~((k))~~ (l) Emergency plans and procedures.

~~((4))~~ (5) In those cases where the facility does not include mechanical components, an operation and maintenance manual, which may be less detailed than that described in subsection ~~((3))~~ (4) of this section, shall be submitted to the department for approval prior to completion of construction. The manual shall fully describe the treatment and disposal system and outline routine maintenance procedures needed for proper operation of the system.

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-090 ((CERTIFICATION)) DECLARATION OF CONSTRUCTION COMPLETION. (1) Within thirty days following acceptance by the owner of the construction or modification of a domestic wastewater facility, the professional engineer in responsible charge of inspection of the project shall submit to the department ((a certificate)) (a) one complete set of record drawings or as-builts (b) a declaration stating the facilities were constructed in accordance with the provisions of the construction quality assurance plan and without significant change from the department approved plans and specifications.

(2) The ((certificate)) declaration will be furnished by the department and will be ((substantially)) the same form as WAC ((173-240-105)) 173-240-095, ((Certificate)) Declaration of Construction of Water Pollution Control Facilities. The submission of the ((certificate)) declaration is not necessary for sewer line extensions where the local government entity has received approval of a general sewer plan and standard design criteria.

NEW SECTION

WAC 173-240-095 FORM-DECLARATION OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES.

DECLARATION OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES

Instructions:

- A. Upon completion, and prior to the use of any project or portions thereof, a professional engineer shall complete and sign this form, declaring that the project was constructed in accordance with the provisions of the construction quality assurance plan and with the plans and specifications and major change orders approved by the Department of Ecology.
B. If a project is being completed in phased construction, a map shall be attached showing that portion of the project to which the declaration applies. A declaration of construction must be submitted for each phase of a project as it is completed. Additional declaration forms are available upon request from the Department of Ecology offices listed below.

NAME AND BRIEF DESCRIPTION OF PROJECT: .....

NAME OF OWNER .....DOE PROJECT NO. ....

ADDRESS ..... DATE PROJECT OR PHASE COMPLETED .....

CITY .....STATE .....ZIP .....

DOE PLAN AND SPECIFICATION APPROVAL DATE .....

I hereby declare that I am the project engineer of the above identified project and that said project was reviewed and observed by me or my authorized agent in accordance with the provisions of the construction quality assurance plan. I further declare that said project was to the best of my knowledge and information constructed and completed in accordance with the plans and specification and major change orders approved by the Department of Ecology and as shown on the owner's "as-built" plans.

Signature or Professional Engineer SEAL OF ENGINEER DATE .....

Please return completed form to the Department of Ecology office checked below.

- SW Regional Office Department of Ecology Mail stop LU-11 7272 Cleanwater Lane Olympia, WA 98504
Central Regional Office Department of Ecology 3601 W. Washington Yakima, WA 98903

- NW Regional Office Department of Ecology 4350 150th Ave. NE Redmond, WA 98052
Eastern Regional Office Department of Ecology East 103 Indiana Ave. Spokane, WA 99207
Municipal Division Department of Ecology PV-11 Olympia, WA 98503

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-100 REQUIREMENT FOR CERTIFIED OPERATOR. Each owner of a domestic wastewater treatment facility is required by chapter 70.95B RCW to have an operator, certified by the state, in responsible charge of the day to day operation of the facility. This requirement does not apply to a septic tank utilizing subsurface disposal. The certification procedures are set forth in chapter 173-230 WAC.

NEW SECTION

WAC 173-240-104 OWNERSHIP AND OPERATION AND MAINTENANCE. (1) Domestic sewage facilities will not be approved unless ownership and responsibility for operation and maintenance is by a public entity except as provided in subsections (2) and (3) of this section. If a waste discharge permit is required it must be issued to the public entity. Nothing herein precludes a public entity from contracting operation and maintenance of domestic sewage facilities.

(2) Ownership by nonpublic entities may be approved if the department determines such ownership is in the public interest; provided there is an enforceable contract, approved by the department, between the nonpublic entity and a public entity with an approved sewer general plan which will assure immediate assumption of the system under the following conditions:

(a) Treatment efficiency is unsatisfactory either as a result of plant capacity or physical operation; or

(b) If such assumption is necessary for the implementation of a general sewer plan.

(3) The following domestic wastewater facilities would not require public entity ownership, operation, and maintenance:

(a) Those facilities existing or approved for construction as of the effective date of this section, until such time as the facility is expanded to accommodate additional development.

(b) Those facilities that serve a single nonresidential, industrial, or commercial establishment. Commercial/industrial complexes serving multiple owners or tenants and multiple residential dwelling facilities such as mobile home parks, apartments, and condominiums are not considered commercial establishments for the purpose of this section.

INDUSTRIAL WASTEWATER FACILITIES

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-110 SUBMISSION OF PLANS AND REPORTS. (1) Prior to the construction or modification of industrial wastewater facilities, engineering reports and ((fmat)) plans and specifications for the project shall be submitted to and approved by the department.

(2) All engineering reports and ((fmat)) plans and specifications should be submitted by the owner consistent with a compliance schedule issued by the department or at least thirty days prior to the time approval is desired. The department will generally review and either approve (or conditionally approve), comment on, or disapprove such plans and reports within the thirty-day period unless circumstances prevent, in which case the owner will be notified and informed of the reason for the delay.

(3) Construction or modification of industrial wastewater facilities shall conform to the following schedule of tasks unless waived in accordance with subsection ((fmat)) (5).

- (a) Submission and approval of an engineering report;
(b) Submission and approval of ((fmat)) plans and specifications;
(c) Submission of an operation and maintenance manual.

(4) Where two or more years has elapsed since approval of the engineering report or plans and specifications, it may be necessary to update that document to reflect changed water quality conditions, regulatory requirements, or engineering technology.

(5) Upon request by the owner, the department may waive the requirement for a ~~((two))~~ three step submission of documents for ~~((minor dischargers))~~ industrial facilities. In such a case the department will require instead ~~((final))~~ conceptual plans which also include the appropriate (as determined by the department) information ~~((of))~~ from the engineering report and operation and maintenance manual.

**AMENDATORY SECTION** (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-120 REVIEW STANDARDS. ~~((+))~~ The department will review engineering reports ~~((and final))~~, plans and specifications, and operation and maintenance manuals for industrial wastewater facilities to ~~((ensure))~~ ascertain that the ~~((documents and))~~ proposed facilities ~~((are consistent with good engineering practice))~~.

(2) In addition, the discharge from any industrial wastewater facility subject to a departmental waste discharge permit shall meet the applicable effluent limitations. Industrial wastewater facilities, not subject to a waste discharge permit, shall (a) provide all known, available, and reasonable methods of treatment, and (b) not alter the groundwater to the extent that this is harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate uses or potential uses) will be designed, constructed, operated and maintained to meet effluent limitations and other requirements of an NPDES or state waste discharge permit, if applicable, and to meet the policies and requirements of chapters 90.48 and 90.54 RCW pertaining to prevention and control of pollution of waters of the state, and will be consistent with good engineering practices.

**AMENDATORY SECTION** (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-130 ENGINEERING REPORT. (1) The engineering report for an industrial wastewater facility shall be sufficiently complete so that ~~((final))~~ plans and specifications can be developed from it without substantial changes. ~~((The preliminary engineering report required for some industrial wastewater facilities is defined, for the purposes of this regulation, as an engineering report. One copy))~~ Two copies of the report shall be submitted to the department for approval.

(2) The engineering report shall include the following information together with any other relevant data as requested by the department:

- (a) Type of industry or business.
- (b) The kind and quantity of finished product.
- (c) The quantity and quality of water used by the industry and a description of how consumed or disposed of, including:
  - (i) The quantity and quality of all process wastewater and method of disposal;
  - (ii) The quantity of domestic wastewater and how disposed of;
  - (iii) The quantity and quality of noncontact cooling water (including air conditioning) and how disposed of; and
  - (iv) The quantity of water consumed or lost to evaporation.
- (d) ~~((A statement concerning the receiving water (surface water, subsurface, or municipal collection system), and the location of the point of discharge.~~
- (e)) The amount and kind of chemicals used in the treatment process, if any.
- ~~((f))~~ (e) The basic design data and sizing calculations of the treatment units.
- (f) A discussion of the suitability of the proposed site for the facility.
- (g) A description of the treatment process and operation, including a flow diagram.
- (h) All necessary maps and layout sketches.
- (i) Provisions for bypass, if any.
- (j) Physical provision for oil and hazardous ~~((waste))~~ material spill control and/or accidental discharge prevention.
- (k) Results to be expected from the treatment process including the predicted wastewater characteristics, as shown in the waste discharge permit, where applicable.
- (l) A description of the receiving water, location of the point of discharge, applicable water quality standards, and how water quality standards will be met outside of any applicable dilution zone.

(m) Detailed outfall analysis.

~~((m))~~ (n) The relationship to existing treatment facilities, if any.

(o) Where discharge is to a municipal sewerage system, a discussion of that systems ability to transport and treat the proposed industrial waste discharge without exceeding the municipality's allocated industrial capacity. Also, a discussion on the effects of the proposed industrial discharge on municipal sludge utilization or disposal.

(p) Where discharge is through land application, including seepage lagoons, irrigation, and subsurface disposal, a geohydrologic evaluation of such factors as:

(i) Depth to ground water and ground water movement during different times of the year;

(ii) Water balance analysis of the proposed discharge area;

(iii) Overall effects of the proposed facility upon the ground water in conjunction with any other land application facilities that may be present.

~~((m))~~ (q) A statement, expressing sound engineering justification through the use of pilot plant data, results from other similar installations, and/or scientific evidence from the literature, that the effluent from the proposed facility will meet applicable permit effluent limitations and/or pretreatment standards.

~~((o))~~ (r) A discussion of the method of final sludge disposal selected and any alternatives considered with reasons for rejection.

~~((p))~~ (s) A statement as to who will own, operate, and maintain the system after construction.

~~((q))~~ (t) A statement regarding compliance with any state or local water quality management plan or any such plan adopted pursuant to the Federal Water Pollution Control Act as amended.

~~((r))~~ (u) Provisions for any committed future plans.

~~((s))~~ (v) A discussion of the various alternatives evaluated, if any, and reasons they are unacceptable.

~~((t))~~ (w) A timetable for final design and construction.

~~((u))~~ (x) A statement regarding compliance with the State Environmental Policy Act ~~((of 1971))~~ (SEPA) and the National Environmental Policy Act (NEPA), if applicable.

~~((v))~~ (y) Additional items to be included in an engineering report for a solid waste leachate treatment system are:

(i) A vicinity map and also a site map which shows topography, location of utilities, and location of the leachate collection network, treatment systems, and disposal;

(ii) Discussion of the ~~((landfill))~~ solid waste site, working areas, soil profile, rainfall data, and ~~((groundwater))~~ ground water movement and usage;

(iii) A statement of the capital costs and the annual operation and maintenance costs;

(iv) A description of all sources of water supply within two thousand feet of the proposed disposal site. Particular attention should be given to showing impact on usable or potentially usable aquifers.

**AMENDATORY SECTION** (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-140 ~~((FINAL))~~ PLANS AND SPECIFICATIONS. (1) Upon request of the owner the ~~((final plans for an industrial wastewater facility may be conceptual rather than the complete construction drawings required as plans and specifications for domestic wastewater facilities. One copy))~~ department may, at its discretion, allow submission of conceptual plans for minor industrial facilities, as noted in WAC 173-240-110(5). Two copies of the ~~((final))~~ plans and specifications shall be submitted to the department for approval prior to start of construction.

(2) The ~~((final))~~ plans and specifications shall include the following information together with any other relevant data as requested by the department:

(a) Repeat presentation of the basic engineering design criteria from the engineering report.

(b) If there are any deviations from the concepts of the engineering report, explanation of the changes to include as much detail as would have been provided in an engineering report.

(c) The plan and section drawings of major components such as the treatment units, pump stations, flow measuring devices, sludge handling equipment, and influent and effluent piping. Foundations and/or soil preparation should be shown for major structures.

(d) A general site drawing showing the location with respect to the entire plant site and a detailed site drawing showing the component siting.

(e) A schematic drawing showing flows to include: In plant collection, and wastewater pumping, treatment, and discharge.

(f) A hydraulic profile showing head under maximum flows. This requirement (~~(is not necessary)~~) may be waived where the ~~((two))~~ three step submission of documents has been waived pursuant to WAC 173-240-110(~~((4))~~)(5).

(g) Instrumentation, controls, and sampling schematics.

(h) General operating procedures such as startup, shutdown, spills, etc.

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-150 OPERATION AND MAINTENANCE MANUAL. (1) A detailed operation and maintenance manual shall be prepared for an industrial wastewater facility which includes mechanical components prior to the completion of construction. The manual is ~~((not))~~ to be submitted to the department for review (~~(; however the manual shall be kept on site at all times and be available for inspection by department staff)~~) and approval. The purpose of the manual is to present technical guidance and regulatory requirements to the operator to enhance operation under both normal and emergency conditions.

(2) The operation and maintenance manual shall include the following list of topics:

(a) The names and phone numbers of the responsible individuals.

(b) A description of plant type, flow pattern, operation, and efficiency expected.

(c) The principal design criteria.

(d) A process description of each plant unit, including function, relationship to other plant units, and schematic diagrams.

(e) Explanation of the operational objectives for the various wastewater parameters, i.e. sludge age, settleability, etc.

(f) A discussion of the detailed operation of each unit and description of various controls, recommended settings, fail-safe features, etc.

(g) A discussion of how the facilities are to be operated during anticipated startups and shutdowns, maintenance procedures, and less than design loading conditions, so as to maintain efficient treatment.

(h) A section on laboratory procedures including sampling techniques, monitoring requirements, and sample analysis.

~~((h))~~ (i) Recordkeeping procedures and sample forms to be used.

~~((h))~~ (j) A maintenance schedule incorporating manufacturer's recommendations, preventative maintenance and housekeeping schedules, and special tools and equipment usage.

~~((j))~~ (k) A section on safety.

~~((k))~~ (l) A section containing the spare parts inventory, address of local suppliers, equipment warranties, and appropriate equipment catalogues.

~~((h))~~ (m) Emergency plans and procedures.

DOMESTIC AND INDUSTRIAL WASTEWATER FACILITIES

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-160 REQUIREMENT FOR PROFESSIONAL ENGINEER. (1) All required engineering reports, and plans and specifications (~~(and final plans,)~~) for the construction or modification of wastewater facilities shall be prepared under the supervision of a professional engineer licensed in accordance with chapter 18.43 RCW. All copies of these documents submitted to the department for review shall bear the seal of the professional engineer under whose supervision they have been prepared.

(2) Upon request of the owner, the department may waive the above requirement for construction or modification at ~~((minor))~~ industrial wastewater facilities (~~(with insignificant discharges and at animal feeding operations)~~).

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-170 RIGHT OF INSPECTION. Pursuant to RCW 90.48.090, the department or its authorized representative shall have the right to enter at all reasonable times in or upon any property, public or private, for the purposes of inspection or investigation relating to the pollution or possible pollution of the waters of the state, including the inspection of construction activities related to domestic ~~((and))~~ or industrial wastewater facilities.

AMENDATORY SECTION (Amending Order DE 78-10, filed 1/23/79)

WAC 173-240-180 APPROVAL OF CONSTRUCTION CHANGES. All wastewater facilities subject to the provisions of this regulation shall be constructed in accordance with the plans and specifications (~~(or final plans)~~) approved by the department. Any contemplated changes during construction, which are significant deviations from the approved plans, shall first be submitted to the department for approval.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-240-105 FORM—CERTIFICATE OF CONSTRUCTION OF WATER POLLUTION CONTROL FACILITIES.

WSR 83-17-135

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Adult correctional institutions—Inmate mail, adopting chapter 137-48 WAC and repealing chapter 275-96 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place at 9:00 a.m., September 27, 1983.

The authority under which these rules are proposed is RCW 72.09.050, 72.08.380 and 72.12.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1983.

All correspondence regarding this publication should be directed to:

Administrator  
Office of Contracts and Regulations  
Division of Management and Budget  
Mailstop FN-61  
Scan 234-5770

Dated: August 24, 1983

By: Amos E. Reed  
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule: Adopt chapter 137-48 WAC, Adult correctional institutions—Inmate mail and repeal chapter 275-96 WAC.

Statutory Authority: RCW 72.09.050, 72.08.380 and 72.12.140.

Summary and Purpose of Rule Change: This rule establishes guidelines for the development of department and institution level policies and rules governing the receipt and sending of mail by inmates. The purpose of this rule is to prevent the transmission of illegal items or contraband into or out of an institution.

Agency Personnel Responsible for Drafting and Adoption: Gary L. Banning, Specialist, Office of Contracts and Regulations, Division of Management and

Budget, Mailstop FN-61, scan 234-5770; Implementation and Enforcement: Walter L. Kautzky, Director, Division of Prisons, Mailstop FN-41, scan 234-6791.

No other person or organization other than the Department of Corrections is proposing this rule.

This rule is not necessary to comply with a federal law or a federal or state court decision.

This rule does not have an impact on small businesses.

Chapter 137-48 WAC  
INMATE MAIL AND COMMUNICATIONS

NEW SECTION

WAC 137-48-010 PURPOSE. The purpose of these rules is to maintain the safety, security, and discipline of adult correctional facilities operated under the jurisdiction of the department of corrections in accordance with Title 72 RCW et al., by establishing guidelines for the development of department and institution level policies and rules governing the receipt and sending of mail by inmates to prevent the transmission of illegal items or contraband into or out of an institution.

NEW SECTION

WAC 137-48-020 DEFINITIONS. (1) "Contraband" consists of all illegal items, alcoholic beverages, and other items which a resident of a correctional institution may not have in his/her possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Emergency situations" are critical illnesses, deaths, emotional crises, or similar situations experienced by members of the inmate's family or the inmate.

(3) "Illegal items" are controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another.

(4) "Indigent inmate" means an inmate who has not been credited with more than ten dollars from any source for deposit to the inmate's trust fund during the thirty days preceding a mail request of postage to be paid by the institution or has less than a ten dollar balance in his/her trust fund account.

(5) "Inspection of mail" means the physical act of opening, touching, smelling, and/or reading of mail, the use of mechanical or chemical systems and/or the use of animals to determine the presence of contraband or illegal items.

(6) "Legal mail" is correspondence to or from courts and court staff (judges, clerks of the court, judicial law clerks, etc.), attorneys and persons working for attorneys and to established groups involved in the representation of inmates in judicial proceedings (ACLU, legal services groups, etc.), and government officials or agencies. To be considered "legal mail" the correspondence must clearly be marked "legal mail" on the outside of the envelope.

(7) "Letters" consists of personal communications and enclosures to and from inmates including, but not limited to, handwritten or typed communications.

(8) "Mail" consists of letters, publications, or packages delivered by the United States Post Office or by other means.

(9) "Packages" means the immediate container or wrapping and the contents therein in which any item is contained for consumption, use or storage by inmates, and for purposes of this chapter, also means any shipping container or outer wrapping and the contents therein used by retailers to ship or deliver any item to inmates where it is the only such container or wrapping.

(10) "Publications" consists of reproduced handwritten or pictorial materials including books, periodicals, newspapers, and pamphlets.

(11) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(12) "Superintendent" means the superintendent of a correctional facility or his/her designee(s).

NEW SECTION

WAC 137-48-030 INSPECTION OF MAIL. (1) All mail received by or to be sent by an inmate, excluding legal mail discussed in subsection (2) of this section, may be inspected at any time by the superintendent or his/her designee(s). Mail may be disapproved for receipt or transmittal in accordance with WAC 137-48-040. No person

who inspects, or participates in the inspection, of an inmates mail, shall disclose the contents except in the cause of his/her official duties.

(2) Mail which is clearly identified on the outside of the envelope as legal mail, as defined in WAC 137-48-020(13), shall be inspected only in the presence of the inmate. Legal mail shall not be read without a search warrant.

(3) Mail containing illegal items or contraband shall be held and disposed of in accordance with the procedures set forth in chapter 137-36 WAC or as otherwise stated in this chapter.

NEW SECTION

WAC 137-48-040 RESTRICTION OF INCOMING AND/OR OUTGOING MAIL. (1) Incoming mail to inmates may be disapproved for receipt for any one of the following reasons:

(a) The mail contains threats of physical harm against any person or threats of criminal activity.

(b) The mail threatens blackmail or extortion.

(c) The mail concerns sending contraband in or out of the institution.

(d) The mail contains plans to escape.

(e) The mail contains plans for activities in violation of institutional rules, such as riots.

(f) The mail concerns plans for criminal activity.

(g) The mail is in code or in a foreign language and its contents are not understood by the reader.

(h) The mail contains information which, if communicated, would create a risk of violence and/or physical harm.

(i) The mail contains contraband.

(j) The mail contains obscene material as defined in department policy directives.

(2) Outgoing mail from inmates of institutions may be disapproved for mailing for any one of the following reasons:

(a) For any one of the reasons set forth in WAC 137-48-040(1).

(b) The mail is addressed to a minor whose parents or guardian have objected in writing to such correspondence; an individual previously has been sent obscene or threatening mail by the inmate and has complained or has asked that such mail not be received; the mail solicits money or goods from persons other than the immediate family of the inmate without the permission of the superintendent. This provision may not be construed to preclude the purchase of noncontraband goods or payment for such goods which have been approved by the superintendent or his designee.

(3) No letter is to be restricted for the reason that it contains critical opinions of departmental policy or departmental employees.

(4) In addition to those reasons cited in this section, publications received by inmates may be restricted if:

(a) It advocates that any ethnic, racial, or religious group is inferior for any reason and makes such group an object of ridicule and scorn; or

(b) It may reasonably be thought to precipitate a violent confrontation between the recipient(s) and a member(s) of the target group. No publications will be withheld solely on the basis of their appeal to a particular ethnic, racial, or religious group.

(5) In addition to those reasons cited in this section, packages sent either to or from an inmate are subject to the following restrictions:

(a) An inmate may receive one gift package not to exceed fifteen pounds in weight on a quarterly basis. Quarterly periods shall consist of December through February, March through May, June through August, and September through November. Rules governing the contents of quarterly packages shall be developed specifically by each institutional superintendent and approved by the secretary. The superintendent may allow exceptions from the one gift package limitation and weight limitation provided that appropriate contraband controls are maintained.

(b) The contents of the quarterly package shall be restricted to those items that are otherwise not available to the inmate through the institutional store. A replacement package may be sent during the same quarter for damaged packages that are returned to the sender by the inmate. Packages containing contraband shall be refused delivery to the inmate and will be counted as the package for that quarter.

(c) Prepaid merchandise approved by the superintendent and ordered by the inmate from any wholesaler or retailer shall not be considered one of the quarterly packages.

(d) Inmates may mail packages containing materials which have been sent to him or her in the institution or gifts consisting of his or her own hobby craft or curio work. Packages must be made and mailed at the inmate's expense.

(e) Newly admitted inmates at the Washington Corrections Center will not receive packages while assigned to the reception center.

**NEW SECTION**

WAC 137-48-050 PROCEDURES FOR RESTRICTIONS OF INCOMING AND/OR OUTGOING MAIL. (1) If an inmates's incoming or outgoing mail is restricted, notification shall be provided to the inmate and the author of the mail in writing of the specific publication, letter, or package which has been censored and the reason for this action.

(2) The inmate and author shall be advised in writing of his/her right to seek review of the decision to restrict his/her mail. The review shall be sought by writing directly to the director of the division of prisons or his/her designee(s) within ten calendar days.

(3) Upon receipt of an inmate's and/or author's appeal, the director of prisons or his/her designee shall affirm or reverse the action taken at the institution level and shall advise the inmate and/or author in writing of this action within ten working days from the receipt of the inmate's or author's written request.

(4) When a decision is rendered regarding a particular issue of a publication, that decision shall be binding for all facilities in the division of prisons.

(5) If a package contains contraband and is subject to criminal prosecution, the entire package will be turned over to the appropriate law enforcement agency. Items of contraband not subject to criminal prosecution will be disposed of in accordance with those procedures set forth in chapter 137-36 WAC.

**NEW SECTION**

WAC 137-48-060 MAIL COSTS. (1) Except as otherwise stated in this section, mail costs shall be the responsibility of the inmate.

(2) Mail which arrives at the institution with postage due may, at the option of the superintendent, be delivered to the inmate. The institution may pay the postage due in accordance with subsection (3) of this section, or hold the mail for a reasonable period of time so as to allow the inmate to arrange for payment of the postage due. If such arrangements are not made within the time provided, the package may be donated to charity or discarded.

(3) Indigent inmates shall be authorized to receive postage for a maximum of five letters per week. This postage shall cover both legal and regular correspondence irrespective of the number of letters identified as legal mail. This shall also include costs advanced by the institution for postage due mail.

**NEW SECTION**

WAC 137-48-070 MAIL RECORDS. The institution superintendent or his/her designee(s) shall be responsible for the maintenance of a continuous record showing the source and destination of legal and official correspondence to and from government officials, packages and items of monetary value mailed by or mailed to an inmate. The secretary shall establish procedures for each institution governing the written mail record.

**NEW SECTION**

WAC 137-48-080 TELEPHONE USAGE. (1) Telephone facilities shall be provided in appropriate numbers and locations to permit reasonable and equitable access to all inmates, except inmates of the reception center and those inmates in disciplinary segregation.

(2) The superintendent shall promulgate written regulations providing for access of inmates to additional telephone facilities in emergency situations.

(3) The superintendent shall promulgate written regulations outlining the hours of telephone availability, maximum length of calls (not less than five minutes) and any limitations on telephone use, subject to approval by the secretary.

**NEW SECTION**

WAC 137-48-090 IMPLEMENTATION. The secretary may adopt rules and regulations implementing this chapter.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-96-005 DEFINITIONS.
- (2) WAC 275-96-010 COMMUNICATION—PURPOSE.
- (3) WAC 275-96-015 COMMUNICATION—GENERAL LIMITATIONS.
- (4) WAC 275-96-021 OUTGOING MAIL.
- (5) WAC 275-96-022 INCOMING MAIL.
- (6) WAC 275-96-025 SPECIAL RULES—INCOMING PUBLICATION LIMITATIONS AND CONTROLS.
- (7) WAC 275-96-030 SPECIAL RULES REGARDING PACKAGES—LIMITATIONS AND CONTROLS.
- (8) WAC 275-96-045 HANDLING OF MAIL.
- (9) WAC 275-96-050 TREATMENT OF CASH AND CHECKS.
- (10) WAC 275-96-055 LEGAL MAIL.
- (11) WAC 275-96-060 STATIONERY AND POSTAGE.
- (12) WAC 275-96-065 USE OF TELEPHONE.
- (13) WAC 275-96-070 PROCEDURE FOR DISAPPROVAL OF RESIDENT MAIL.

**WSR 83-17-136  
PROPOSED RULES  
DEPARTMENT OF CORRECTIONS**

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning Adult correctional institutions—Inmate personal property, adopting chapter 137-36 WAC and repealing chapter 275-87 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place at 9:00 a.m., September 27, 1983.

The authority under which these rules are proposed is RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1983.

All correspondence regarding this publication should be directed to:

Administrator  
Office of Contracts and Regulations  
Division of Management and Budget  
Mailstop FN-61  
Scan 234-5770

Dated: August 24, 1983

By: Amos E. Reed  
Secretary

**STATEMENT OF PURPOSE**

Title and Number of Rule: Adult correctional institutions—Inmate personal property, adopting chapter 137-36 WAC and repealing chapter 275-87 WAC.

Statutory Authority: RCW 72.09.050, 72.08.103, 72.13.080 and 72.15.040.

Summary and Purpose of Rule Change: This rule sets forth procedures for the retention, disposition and inventory of inmate personal property. This rule establishes regulations for possession of personal property by inmates of each institution to maintain the safety, security and discipline of adult correctional facilities.

Agency Personnel Responsible for Drafting and Adoption: Gary L. Banning, Specialist, Office of Contracts and Regulations, Division of Management and

Budget, Mailstop FN-61, scan 234-5770; Implementation and Enforcement: Walter L. Kautzky, Director, Division of Prisons, Mailstop FN-41, scan 234-6791.

No other person or organization other than the Department of Corrections is proposing this rule.

This rule is not necessary to comply with a federal law or a federal or state court decision.

This rule does not have an impact on small businesses.

Chapter 137-36 WAC  
ADULT CORRECTIONAL INSTITUTIONS—INMATE PERSONAL PROPERTY

NEW SECTION

WAC 137-36-010 PURPOSE. The purpose of these rules is to maintain the safety, security, and discipline of adult correctional facilities operated under the jurisdiction of the department of corrections in accordance with Title 72 RCW et al., by establishing guidelines for the development of department and institution level policies and rules governing the retention of personal property by inmates to prevent the possession of illegal items and contraband within the institution.

NEW SECTION

WAC 137-36-020 DEFINITIONS. (1) "Contraband" consists of all illegal items, alcoholic beverages, and other items which a resident of a correctional institution may not have in his possession, as defined in regulations adopted by the superintendent of an institution and approved by the secretary.

(2) "Illegal items" are controlled substances as defined and listed in chapter 69.50 RCW or any weapon, firearm, or any instrument which, if used, could produce serious bodily injury to the person of another.

(3) "Inmate" shall refer to those persons committed to the custody of the department of corrections and inmates transferred from other states or the federal government.

(4) "Secretary" is the secretary of the department of corrections or his/her designee(s).

(5) "Superintendent" means the superintendent of a correctional facility or his/her designee(s).

NEW SECTION

WAC 137-36-030 AUTHORIZED ITEMS. (1) Only authorized items may be retained by an inmate in the custody of the department. All authorized items shall be retained at the owner's risk. The state of Washington shall not be liable for any loss or damage.

(2) Authorized items may be limited in quantity and value when necessary to provide accountability, contraband control, safety or sanitary conditions, storage space, inmate morale or to meet the unique needs of each institution.

(3) Each superintendent shall establish regulations setting forth specific authorized items and levels of personal property for those inmates confined to that institution. Specific personal property authorizations may be suspended to ensure the safety, medical or mental health treatment objectives of any inmate or the general population and to ensure proper maintenance of order and security of the institution.

(4) All authorized items in excess or in noncompliance with the levels established by the superintendent of each institution shall be considered contraband and shall be disposed of as provided in WAC 137-36-040.

NEW SECTION

WAC 137-36-040 DISPOSITION OF PERSONAL PROPERTY. (1) Contraband items will be confiscated by the superintendent and disposed of in the following manner:

(a) Items which are determined to be owned by an inmate will be mailed or transferred to a person designated by the inmate at the inmate's expense. If the inmate is without funds, refuses to pay the required postage or refuses to designate an individual to receive the property, such items shall be donated to a charitable organization.

(b) Items for which ownership cannot be determined shall be held by the superintendent for six months and then donated to a charitable organization or destroyed.

(c) Money such as currency, personal checks, and money orders, is contraband within adult correctional institutions. If money or other

negotiable instrument is found in the unauthorized possession of an inmate and he/she claims or disclaims ownership or, if ownership is unknown, the money or negotiable instrument shall be confiscated immediately and shall be deposited in the inmate welfare fund at the expiration of any appeal or hearing.

The inmate shall be advised in writing of his/her right to seek review of the decision to place the money in the inmate welfare fund. The review shall be sought by writing directly to the director of the division of prisons or his/her designee(s) within ten calendar days.

(2) All illegal items owned by and/or found in the possession of an inmate shall be confiscated. Such items shall be held for evidence for law enforcement authorities. Such illegal items that do not need to be retained as evidence shall be destroyed.

(3) Abandoned personal property shall be disposed of in the following manner:

(a) All personal property, and any income or increment which is accrued thereon, held for the owner by an institution that has remained unclaimed for more than six months from the date the owner was terminated from work release, transferred to a different institution, or when the owner is unknown or deceased, from the date the property was placed in the custody of the institution, is presumed abandoned. When an inmate who has no recorded next of kin or person to whom unclaimed property can be sent, is transferred to another institution, the property shall not be presumed abandoned for a period of twelve months.

(b) All personal property, and any income or increment which has accrued thereon, shall be presumed abandoned whenever the inmate owner has been placed on escape status. Such property shall be held for three months from the date of the escape. If during that period the inmate remains on escape status and/or no other person claims ownership of the property, the property shall be deemed abandoned and may be donated to charity or destroyed in accordance with the provisions of this regulation.

(c) All personal property, other than money, which is unclaimed for the time periods set out in this regulation, shall be presumed abandoned and may be destroyed. Where a superintendent feels the property may be used or has value to a charitable nonprofit organization, the property may be donated to such an organization.

(d) Any money unclaimed for the time limits set out in this regulation shall be presumed abandoned and paid into the revolving fund established pursuant to RCW 9.95.360.

(e) At least thirty days prior to personal property being donated or destroyed, written notice shall be given to the owner at the owner's residence or place of business or to some person of suitable age or discretion residing or employed therein. Such notice may be hand delivered or sent by certified mail. If the owner is deceased, such notice shall be sent to at least one of the owner's heirs, if known. In all other circumstances, notice shall be sent to the person previously designated by the owner as authorized to receive property.

(f) If none of the above alternatives is available, notice of the proposed donation or destruction of the property shall be published at least once in an official newspaper in the county in which the institution is located at least thirty days prior to the date fixed for the action. The notice shall be signed by the secretary and shall contain a general description of the unclaimed personal property, specifying the institution at which the property is held.

NEW SECTION

WAC 137-36-050 INVENTORY OF PERSONAL PROPERTY. All personal property, whether confiscated, in the possession of the inmates or maintained by the institution shall be inventoried on forms established and approved by the secretary.

A continuous log will be maintained at each holding area designated for inmate personal property. The log shall identify the property contained therein as well as the custodial personnel who have access to the personal property area.

NEW SECTION

WAC 137-36-060 RETURN OF PERSONAL PROPERTY. Upon formal release from the institution, all personal property in the custody of the superintendent shall be returned to the inmate. If the inmate believes that property of value belonging to him/her has been lost or damaged due to staff negligence, he/she may file a claim pursuant to RCW 4.92.100.



**NEW SECTION**

WAC 137-36-070 IMPLEMENTATION. The secretary may adopt rules and regulations implementing this chapter.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 275-87-005 CONTRABAND—DEFINITIONS.
- (2) WAC 275-87-010 CONFISCATION.
- (3) WAC 275-87-015 DISPOSITION OF ILLEGAL ITEMS.
- (4) WAC 275-87-020 DISPOSITION OF OTHER ITEMS.
- (5) WAC 275-87-025 RECORDS.

**WSR 83-17-137**  
**PROPOSED RULES**  
**THE EVERGREEN**  
**STATE COLLEGE**  
 [Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that The Evergreen State College intends to adopt, amend, or repeal rules concerning affirmative action policy, adopting WAC 174-109-010 through 174-109-500 and equal opportunity policy and affirmative action program, repealing WAC 174-148-010 through 174-148-120;

that the institution will at 1:45 p.m., Thursday, October 13, 1983, in the Board of Trustees Room, Library 3112, The Evergreen State College Campus, Olympia, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.40.120(11).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before October 4, 1983.

Dated: August 24, 1983  
 By: Patrick J. Hill  
 Vice President and Provost

**STATEMENT OF PURPOSE**

Title: Affirmative action policy. The purpose of the policy is to outline a program which will implement the college's commitment to nondiscrimination. The present draft updates previous policies, and includes new developments in affirmative action law.

Statutory Authority: State of Washington, Constitution, Article IX, Section 1, prohibiting discrimination in education on account of race, color, caste or sex and Article XXXXI, prohibiting discrimination on account of sex; state of Washington, chapter 28B.16 RCW, the Higher Education Personnel Law; state of Washington, chapter 49.60 RCW, which prohibits discrimination in employment and public accommodation on the basis of age, sex, race, color, creed, national origin, marital status, or the presence of physical handicap, and establishes the Washington State Human Rights Commission; chapter 12, Laws of 1983, Minority and Women's Business Enterprise Office created; state of Washington, Title 162 WAC, the Washington State Human Rights

Commission Regulations; and state of Washington, Governor's Executive Orders 77-10, 78-1, 79-08, 80-3, and 81-02, which set forth the policy of nondiscrimination and affirmative action in state employment and state contracts.

Summary: The new policy states the basic affirmative action commitment of the college, delineates implementation responsibilities, provides for policy dissemination and for monitoring the auditing, establishes hiring procedures and other policies, establishes affirmative action goals, provides for policy dissemination and for monitoring and auditing, establishes hiring procedures and other policies, establishes affirmative action goals, provides for identification of problem areas and the use of corrective employment, calls for annual training, establishes program and activity policies, establishes the affirmative action grievance procedure, and lists enforcement agencies, pertinent definitions, and the legal bases of affirmative action.

Responsible Administrators for Drafting and Implementation: Rebecca Wright, Affirmative Action Officer, The Evergreen State College, TA-00, Olympia, Library 3238, Telephone 866-6000, Ext. 6361; and Enforcement: Daniel J. Evans, President, The Evergreen State College, TA-00, Olympia, Library 3238, Telephone 866-6000, Ext. 6100.

Proponent of Policy: The Evergreen State College, Olympia, Washington 98505.

Comments: The new policy has been presented to the entire campus and to the board of trustees for comment, and revised accordingly.

Pertinent Federal Law: The several pertinent federal statutes are cited in the policy itself at WAC 714-109-600, legal bases of affirmative action program; cases are too numerous to cite.

**Chapter 174-109 WAC**  
**AFFIRMATIVE ACTION POLICY**

- 174-109-010 Preamble.
- 174-109-020 Purpose.
- 174-109-030 Responsibility for implementation.
- 174-109-040 Policy dissemination.
- 174-109-050 Monitoring and auditing.
- 174-109-060 Hiring procedures.
- 174-109-070 Hiring and other policies.
- 174-109-080 Goals and timetables.
- 174-109-090 Identification of problem areas.
- 174-109-100 Corrective employment.
- 174-109-200 Training.
- 174-109-300 Program and activity policies.
- 174-109-400 Grievance procedures.
- 174-109-500 Definitions.
- 174-109-600 Legal basis of Affirmative Action Program.

**NEW SECTION**

WAC 174-109-010 PREAMBLE. It is the policy of the Board of Trustees of The Evergreen State College to provide equal employment opportunity for all employees and qualified applicants, and equal access to programs and services for all students and members of the community regardless of race, color, national origin, religion, sex, marital status, age, handicap, or Vietnam era or disabled veteran status. The Board of Trustees pledges that every effort will be made to provide the resources necessary for implementation of this policy.

It is the responsibility of each and every member of the College community to insure that this policy becomes a functional part of the daily activities of The Evergreen State College.



**NEW SECTION**

WAC 174-109-020 PURPOSE. To implement the commitment to nondiscrimination, Evergreen has established an Affirmative Action program as described in these sections.

**NEW SECTION**

WAC 174-109-030 RESPONSIBILITY FOR IMPLEMENTATION. (1) The President of The Evergreen State College is responsible to the Board of Trustees for implementation of the Affirmative Action Policy, and for providing sufficient support of the policy to make it productive.

(2)(a) A standing Affirmative Action Committee will be selected each October by the President to report to the President quarterly on the Affirmative Action "state of the campus." The Affirmative Action Committee will review all College policies that impact directly on Affirmative Action issues before they take effect, and will serve as forum to which members of the College community may bring Affirmative Action problems, and will develop and recommend solutions.

(b) The President will select two members from each constituency group to serve on the Affirmative Action Committee, keeping in mind the Affirmative Action goals stated in this policy, and will include members of all protected groups. The Affirmative Action Officer will serve as secretary for the monthly meetings of the Committee, and as a participating member; the Director of Employee Relations and the Director of Educational Support will serve as ex officio members.

(3) The Director of Employee Relations serves as Director of Affirmative Action, and is responsible to the president for Affirmative Action policy directions and decisions. The Director of Employee Relations is also responsible for establishing training programs for upward mobility of people of color and women.

(4) The Affirmative Action Officer is responsible to the Director of Employee Relations for College compliance with this Policy, and with federal and state laws prohibiting discrimination and promoting equal opportunity. He/she shall serve as chairperson for the Affirmative Action Committee; shall design and implement reporting systems to measure the effectiveness of this policy and to chart Affirmative Action achievements; prepare and submit reports to appropriate state and federal agencies; keep the College administration informed regarding latest Affirmative Action developments; work with unit heads and their staffs to identify Affirmative Action problems and to develop solutions; receive and handle discrimination complaints; serve as a campus resource on Affirmative Action, as well as liaison with off-campus groups; conduct an on-going program of educational activities which will increase College awareness of the intent and purpose of Affirmative Action reaching every campus area (faculty, staff, administrators, and students) at least once annually; and to insure that all contractors with the College are equal opportunity employers.

(5) The Provost shall ensure that annual progress is made towards Affirmative Action goals in the area of faculty hiring, and that curriculum planning, teaching assignment, resource allocation, faculty evaluation, library development, and the evaluation process reflect Affirmative Action principles.

(6) The Vice President for Business and his designees shall ensure that the College complies with the requirements of chapter 120, Laws of 1983, concerning the participation of minority and women's business enterprises in the purchase orders of the College, public works contracts, and the selection of architectural and engineering services.

(7) The Dean of Enrollment and Student Services shall ensure that testing and counseling procedures reflect Affirmative Action principles, as well as participation in application for admission, registration, health services, financial aid planning, academic advising, career planning, student activities, and day care services.

(8) The Director of College Relations shall ensure that College funding and grant resource information is available on an equal opportunity basis, and that all official College publications and audio-visual presentations reflect the participation of people of color, women, and handicapped individuals in the College community.

**NEW SECTION**

WAC 174-109-040 POLICY DISSEMINATION. (1) Appropriate College offices will disseminate this policy to the following: New employees; new students; contractor or vendor from whom the College purchases goods and services; recruiting sources; organizations or business establishments with which the College has internship agreements;

off-campus persons or groups who schedule the use of College facilities for conventions, seminars, conferences or other group activities.

(2) Appropriate college offices will ensure publication of Affirmative Action policy statements in the catalog and the faculty handbook and, at least one annually, in the Cooper Point Journal.

(3) College recruiters will inform potential applicants about the policy during recruiting activities.

(4) Federal Affirmative Action posters and copies of this Affirmative Action Policy will be displayed continuously on all major campus bulletin boards.

(5) Appropriate College offices will include a copy of this Affirmative Action Policy at the time of adoption and upon his/her/its appointment, creation, or request to members of the Board of Trustees, budgetary unit heads, campus organizations, employee organizations, and other persons as needed.

(6) College management representatives to employee organizations contract negotiations will insure that any collective bargaining agreements covering members of the College faculty and/or staff provide for Affirmative Action and include nondiscriminatory clauses.

(7) The College administration will incorporate an Affirmative Action clause in all purchase orders, leases, contracts, and other agreements for the securing of goods and services issued by the College.

(8) The College administration will incorporate appropriate Affirmative Action provisions in all its goal statements.

**NEW SECTION**

WAC 174-109-050 MONITORING AND AUDITING. (1) The purpose of this section is to establish monitoring and auditing procedures so that data may be collected which will reflect progress or lack of progress of the College in Affirmative Action.

(2) This data will be included in the annual Affirmative Action report to the Board of Trustees, the Higher Educational Personnel Board, and the Governor's Committee on Affirmative Action. It is the responsibility of the Affirmative Action Office to monitor this information, in cooperation with the Affirmative Action Committee, to respond to indications of noncompliance with Affirmative Action guidelines, and to work with appropriate campus authorities to develop solutions in problem areas. Solutions may include use of the Corrective Employment Program, reopening of bid procedures, additional recruiting efforts, and reallocation of internal resources.

(3) The following persons will provide information to the Affirmative Action Office as indicated:

(a) The Director of Employee Relations will report annually on upward mobility within the College workforce, and will provide quarterly reports concerning applications received, number of persons hired, number of persons promoted, number of persons transferred, number of persons terminated, starting salaries of new employees and employee turnover rates, all by race and sex, and veteran and handicapped status.

(b) The Provost or his designee will report annually on Affirmative Action progress in faculty hiring, and the development of cultural literacy in the areas of curricular planning, teaching assignment, resource allocation, and library development.

(c) The Vice-President for Business or his designee will supply contract compliance data as it is generated, and will report quarterly on the dollar amount of goods and services contracts awarded, including the percentages awarded to minority and women-owned businesses.

(d) The Registrar will provide quarterly reports of student enrollment by race and sex.

(e) The Admissions Office will compile quarterly data on student applications that self-identify concerning handicap.

(f) The Financial Aid Office will provide annual data on awards by race and sex.

(g) Cooperative Education will provide quarterly reports reflecting participation in internships by race and sex.

(h) Housing will provide quarterly reports indicating student housing ratios by race and sex.

(i) The Office of Institutional Research will provide an annual report tracking Third World student retention.

**NEW SECTION**

WAC 174-109-060 HIRING PROCEDURES. Evergreen conducts many kinds of hiring procedures: Classified, exempt, faculty, and student, are the major areas but also temporary and contractual are involved. The Affirmative Action aspects of these are as follows:

(1) Classified hires: The procedures for classified hires are largely established by the Higher Education Personnel Board (HEPB) and conducted by the Office of Employee Relations, following the Affirmative Action guidelines developed by the HEPB and the Human Rights Commission, including: use of (continually updated) Affirmative Action mailing list in advertising all job vacancies, nondiscriminatory wording of job announcements and selection procedures, use of selective certification and Affirmative Action recruitment and training (for new hires or for promotions) when possible, compilation of quarterly Affirmative Action statistics, and progress towards Affirmative Action goals.

(2) Exempt hires: The employing official, or chair of the search committee, for exempt positions will confer with the Affirmative Action Officer upon undertaking the search, using the checklist of Affirmative Action procedures developed for that purpose, available at the Affirmative Action Office. The Affirmative Action Officer will assist the employing official (or committee chair) in developing appropriate recruiting and advertising methods, job description, and time frames for the search. When these items are agreed upon, the Affirmative Action Officer will certify in writing that the search will proceed, or will ask for corrective employment procedures, as appropriate. Failure to comply with these requirements may necessitate reopening the search.

(3) Faculty hires: Faculty hiring at Evergreen is the responsibility of the Deans area, working with a representative faculty hiring committee. At the beginning of each hiring schedule, the Affirmative Action Officer will meet with this committee to provide information on Affirmative Action procedures and requirements in advertising and recruitment, position descriptions, and selection procedures; when these items are agreed upon, the Affirmative Action Officer will certify in writing that the search will proceed. The Affirmative Action Officer will supply forms to Academic Support for use in tracking each hire, and will compile these forms as they are completed into a file on each hire. As appears necessary to achieve Affirmative Action goals in the area of faculty hires, Senior Academic Dean or the Affirmative Action Officer will request the use of corrective employment procedures in faculty hires.

(4) Student hires: The Affirmative Action Office supplies a form to all employers of students on campus which allows applicants to volunteer Affirmative Action data. This information is compiled into the annual report. Each student position must be posted in the Office of Student Financial Aid and the Affirmative Action Office asks that each position be posted for at least one week or until a minimum of three students are interviewed for the job.

(5) Temporary and Contractual Agreements, including Adjunct Faculty: While individuals in these categories are hired for limited periods of time and for particular tasks any appointments made to these must be in accordance with the tenets of the Affirmative Action goals.

**NEW SECTION**

WAC 174-109-070 HIRING AND OTHER POLICIES. (1) Handicapped applicants. When a job applicant voluntarily self-identifies as handicapped, no inquiry as to the nature or severity of the handicap may be made during the initial rating process. If the applicant becomes a finalist, inquiry may be made concerning specific ability to perform essential job functions. The employing official must be prepared to make reasonable accommodations for a qualified handicapped applicant who can perform the essential functions of the position, and may not take into account, in the hiring decision, the fact that such accommodations are necessary. Reasonable accommodations may include making facilities used by employees readily accessible to handicapped persons, job restructuring, part time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.

(2) Racial and sexual harassment prohibited. The College prohibits racial and sexual harassment in work areas; it is the responsibility of supervisors to ensure that such behavior does not occur.

(3) Comparable worth. The College supports the concept of comparable worth, will implement it when not legislatively required to do otherwise, and considers it an area to be monitored under the section on Identification of Problem Areas in this policy.

(4) Reduction in force. It is the policy of the College that, in the event that circumstances require a reduction in force, every effort shall be made to maintain existing Affirmative Action ratios.

(5) File retention. The complete application file of every applicant for a position shall be retained for a period of at least three years.

(6) Maternity leave. It is the policy of the College that pregnancy shall be treated as any other temporary disability. Leave policies concerning pregnancy are found in the College personnel and faculty policies.

(7) Starting salaries. Starting salaries are based on qualifications and experience or on negotiable factors, not on gender or race.

**NEW SECTION**

WAC 174-109-080 GOALS AND TIMETABLES. Evergreen is committed to achieving a multi-ethnic student body, faculty, and staff. In order to ensure progress towards this end, the College establishes goals to measure achievement. The College recognizes that it has not met the goals and timetables established by the Affirmative Action policy of 1974, as amended in 1977. Some of the reasons for this failure have been defined (problems in recruitment and retention, the fact that the earlier goals were not tied to availability statistics) and some are still under study. The College now wishes to retain the original goals, and expressly undertakes a commitment to achieving a greater percentage of Third World, female, and handicapped participation in its workforce than is required by the respective availability statistics for each group.

| Goals              |             |               |
|--------------------|-------------|---------------|
| (1) Students       | Third World | 25%           |
|                    | Women       | 50%           |
| (2) Faculty        | Third World | 25%           |
|                    | Women       | 50%           |
| (3) Admin.         | Third World | 15%           |
|                    | Women       | 45%           |
| (4) Profess. Tech. | Third World | 15%           |
|                    | Women       | 45%           |
| (5) Clerical       | Third World | 15%           |
|                    | Women       | 50% (maximum) |
| (6) Crafts         | Third World | 15%           |
|                    | Women       | 25%           |
| (7) Service        | Third World | 15%           |
|                    | Women       | 45%           |

Note: Goals are not established for handicapped participation in the student body and workforce because of the inadequacy of census data in the area.

**NEW SECTION**

WAC 174-109-090 IDENTIFICATION OF PROBLEM AREAS. (1) The annual report prepared by the Affirmative Action Officer will reflect current Affirmative Action data for the College, an compare it with availability statistics to determine areas of under-utilization.

(2) In addition, the Affirmative Action Officer, and other members of the College community, will bring to the attention of the Affirmative Action Committee any instances of discrimination or barriers to equal opportunity occurring on campus.

(3) In addition to use of the somewhat arbitrary and standardized EEO-6 job groups as federally defined for reporting purposes, the Affirmative Action Officer will develop a reporting profile that specifically reflects accountability at Evergreen, and that generally follows the program areas used for budget development. The Affirmative Action Officer will include data on participation of people of color and women in these program areas in the annual report, beginning with that for October, 1983.

**NEW SECTION**

WAC 174-109-100 CORRECTIVE EMPLOYMENT. (1) Purpose. "Corrective Employment" is a general term for the policy that establishes a legal framework in which to undertake various Affirmative Action hiring options, none of which are compulsory, automatic, or exclusive. These efforts will vary according to the hiring involved, whether for classified staff, exempt, or faculty positions, and is subject to the discretion of the appointing authority involved. The purpose of this policy is to implement Evergreen's Affirmative Action Policy, chapter 174-109 WAC, and to provide a means by which the College may achieve specific employment goals for females, minorities, the handicapped and, as necessary, members of other protected classes.

(2) Authority. The Evergreen State College is required by Washington Executive Order 79-08 to develop and maintain an Affirmative Action program in accordance with the regulations developed by the Office of Federal Contract Compliance pursuant to Executive Order 12246.

Higher Education Personnel Board (HEPB) Rule WAC 251-18-390, Corrective Employment Programs, and regulations of the Washington State Human Rights Commission (WSHRC), chapter 162-18 WAC, define and authorize the use of corrective employment programs. Each of these authorities provides for the use of selective certification in the referral and selection of persons of the under-represented groups.

(3) Determination of Need for Corrective Employment. Evergreen maintains a computerized workforce array which lists each employee by race, sex, handicapped and veteran status, salary level and occupational classification. Biennially, the Affirmative Action Office compiles availability statistics for each occupational classification, using information from the U.S. Census and Labor Market Information published by the Employment Security Department. The Annual Affirmative Action at Evergreen Report determines any under-utilizations.

In addition the Affirmative Action Office monitors internal and historical trends in employment at the College, and makes available comparisons between the data and the College's official Affirmative Action goals and other Affirmative Action efforts and agreements.

When this data shows that an under-utilization exists (according to federal definition) in the classified staff area, the Affirmative Action can ask the Director of Employee Relations to use selective certification, one of the options under this Corrective Employment Policy. Each Faculty and Exempt vacancy shall be reviewed by the appropriate Dean or appointing authority against the national availability statistics and for internal goals to determine whether to fill that vacancy using selective recruitment or other options as described in Section 4.

(4) Components of the Program. Provisions included in this Corrective Employment Program include authorization for:

- (a) Ascertaining the race and sex and handicap status of applicants.
- (b) Use of knowledge of the candidate's race, sex, and handicap in the referral or selection process.
- (c) Use of special files of applications submitted by members of protected groups to insure contact with such members when employment opportunities become available.
- (d) Use of specially qualified persons or organizations to reach persons of protected groups.
- (e) Use of in-training appointments to employ persons to possess potential for successful performance in specific positions.
- (f) Use of other procedures such as selective certification or selective recruitment that are appropriate to correct the particular conditions at which the program is directed.

(5) Responsibility. The Evergreen Affirmative Action Policy, chapter 174-109 WAC assigns overall responsibility for its implementation to the Affirmative Action Office. It is the responsibility of the Affirmative Action Office to analyze, evaluate and monitor the institution's success or lack of success in achieving its goals and timetables, and to determine the need for Corrective Employment efforts. Deans and vice presidents have the responsibility for meeting the College's Affirmative Action goals and commitments in their assigned area. The Director of Employee Relations is authorized to use selective certification in those EEO-6 categories and groups in which an under-utilization of protected group members has been determined.

#### NEW SECTION

WAC 174-109-200 TRAINING. Recognizing the discriminatory attitudes are historical and systemic, members of the College workforce will participate in Affirmative Action seminars or training sessions at least once annually, and this participation will be noted during the evaluation process. The purpose of this training will be to increase cross and intra-cultural communication and understanding. The training will include off-campus as well as internal resources, will touch on a variety of issues of interest to all protected groups, and will be reviewed for effectiveness by the Affirmative Action Committee.

#### NEW SECTION

WAC 174-109-300 PROGRAM AND ACTIVITY POLICIES.

(1) Equal opportunity. With limited exceptions, which shall be reviewed by the Affirmative Action Officer, no classes, courses of study

or other educational programs and activities offered by the College will be closed to anyone because of race, sex, or handicap.

(2) Racial and sexual harassment prohibited. The College prohibits racial and sexual harassment in all programs, activities, and facilities; it is the responsibility of faculty and administrators to ensure that such behavior does not occur.

(3) Cultural bias. The College seeks to eliminate cultural bias and stereotyping in testing, counseling, advising, and evaluation procedures.

(4)(a) Accessibility. The College is committed to providing accessible education, maintains an accessible campus, and provides auxiliary aids through the Office of Handicapped Access and Services, Library 3238, 866-6000, ext. 6361.

(b) Where the handicapped person is a student, the right to an accessible education will be balanced, in situations involving mental/emotional handicaps, with the rights of other students to participate in an orderly educational process, in making enrollment decisions.

#### NEW SECTION

WAC 174-109-400 GRIEVANCE PROCEDURES. A person who believes she/he has received discriminatory treatment in the College community because of race, color, national origin, sex, marital status, religions, handicap, or Vietnam Era or disabled veteran status is urged to utilize the internal grievance procedure provided by the College through the Affirmative Action Office as soon as possible after the alleged act of discrimination. (The Affirmative Action and Social Contract grievance procedures are separate, different, and mutually exclusive.)

(1) Informal Resolution. Any person may contact the Affirmative Action Office for informal discussion, advice and assistance. These contacts are kept confidential. The Affirmative Action Officer will act as facilitator or will arrange for facilitation by another Evergreener, as requested.

(2) Formal Complaint

(a) Filing a complaint. Any person may begin a formal grievance concerning illegal discrimination by any person or unit of the College by filing a written description of the alleged act of discrimination with the Affirmative Action Office. The Office has forms for this purpose if needed. Statements should be detailed and accurate as possible, and shall include a desired remedy.

(b) Notification of Principals. Receipt of the complaint will be acknowledged in writing by the Affirmative Action Office, and the person or unit complained about will be sent a copy, within three working days.

(c) Information gathering. Information about the complaint shall be gathered during a period not to exceed fifteen calendar days. It is the responsibility of all involved to seek the truth, to remain impartial until all the facts are gathered, and to maintain confidentiality.

Both the charging party and the party charged may choose to name a representative to participate in the proceedings, may suggest witnesses to be interviewed, and may submit informational documents and/or statements.

The Affirmative Action Officer shall make every effort to conduct interviews with witnesses at times which are convenient for the participation of parties and/or representatives. These interviews shall be tape-recorded, and the tape made available to parties and representatives.

(d) Deliberations. Within the following week, the Affirmative Action Officer shall write a factual summary of the information-gathering efforts. This summary will not contain opinion or conclusions, and will remain confidential.

Within the following week, the Affirmative Action Officer and the parties and/or representatives shall meet to determine whether there is consensus as to the facts, and to discuss any possible resolutions of the problems. Participants are under a duty of good faith to seek consensus and resolution. The summary may be amended to reflect consensus and resolution.

(e) Decision-making. A calendar month has now elapsed since the filing of the complaint. If no consensus and resolution have been found, the Affirmative Action Officer will, within one week, after consultation with the Director of Employee Relations, and the supervisory authorities of the principals, write a summary of the deliberations, reach a conclusion concerning probable cause to believe discrimination has taken place, or lack thereof, and recommend a remedy.

These findings will be forwarded to the principals, the President, the Director of Employees Relations, and the supervisory authorities of the principals. Within thirty calendar days of receiving the findings, either party may request a hearing before the Board of Trustees. Should the

Trustees not agree to a hearing, the decision is final on campus, and shall be implemented as soon as possible.

(3) Outside Agencies.

A person who believes he/she has been the subject of discrimination may choose to see a lawyer regarding civil redress, or may choose to file a discrimination grievance with the following agencies. These agencies require grievances to be filed within one hundred eighty days of the alleged act of discrimination.

Washington State Human Rights Commission

402 Evergreen Plaza Bldg.  
7th and South Capitol Way  
Olympia, WA 98504

Office of Civil Rights  
Department of Health,  
Education and Welfare  
Arcade Plaza Building MS 508  
1321 Second Avenue  
Seattle, WA 98101

Equal Employment Opportunity  
Commission  
414 Olive Way  
Time Square Building  
Fourth Floor  
Seattle, WA 98101

NEW SECTION

WAC 174-109-500 DEFINITIONS. (1) Handicapped persons (federal definition) means any person who (a) has a physical or mental impairment which substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.

(2) Disabled Veteran means a person entitled to disability compensation under laws administered by the Veterans' Administration for a disability rated at thirty per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

The Higher Education Personnel Board rule WAC 251-18-130 allows veterans to receive bonus points on civil service examinations during the eight years following the date of release from active service.

(3) Veteran of the Vietnam Era means a person who (a) served on active duty for a period of more than one hundred eighty days, any part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (b) was discharged or released from active duty for a service connected disability if any part of such active duty was performed during the Vietnam Era.

The Vietnam Era Veterans Readjustment Action of 1974 protects nondisabled Vietnam Era veterans for forty-eight months after discharge or release from active duty.

(4) Racial/ethnic groups (federal definitions):

(a) American Indian or Alaska Native includes all persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(b) Black (not of Hispanic origin) includes all persons having origins in any of the black racial groups in Africa.

(c) Hispanic includes all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(d) White (not of Hispanic origin) all persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

(e) Asian includes all persons having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(5) Sexual harassment is unwanted sexual or sexist contact or communication, submission to which becomes a factor affecting the individual's employment or academic standing, or which creates an offensive or intimidating work or academic environment.

(6) Applicants. An applicant is a person who has completed an application in response to the College initiated recruiting effort.

NEW SECTION

WAC 174-109-600 LEGAL BASIS OF AFFIRMATIVE ACTION PROGRAM. The historic practice of excluding certain groups from employment and educational opportunity resulted in social and economic disparity which has necessitated corrective legislation, both at the federal and state level, including:

(1) State of Washington, Constitution, Article IX, Section 1, prohibiting discrimination in education on account of race, color, caste or sex and Article XXXI, prohibiting discrimination on account of sex.

(2) State of Washington, chapter 28B.16 RCW, the Higher Education Personnel Law.

(3) State of Washington, chapter 49.60 RCW, which prohibits discrimination in employment and public accommodation on the basis of age, sex, race, color, creed, national origin, marital status, or the presence of physical handicap, and establishes the Washington State Human Rights Commission.

(4) State of Washington, Washington Administrative Code, Title 162, the Washington State Human Rights Commission Regulations.

(5) State of Washington, Governor's Executive Orders 77-10, 78-1, 79-08, and 81-02, which set forth the policy of nondiscrimination and Affirmative Action in state employment and state contracts.

(6) Federal Civil Rights Act of 1964, including the implementary regulations of the Equal Employment Opportunity Commission, and the Office of Civil Rights, prohibiting discrimination in employment because of race, color, religion, sex, or national origin.

(7) Federal Rehabilitation Act of 1973, Section 504, which prohibits discrimination on the basis of handicap in programs receiving federal assistance.

(8) Federal Education Amendments of 1972, Title IX, prohibiting discrimination on the basis of sex in education.

(9) Federal Vietnam Era Veterans Readjustment Action of 1974 which prohibits discrimination because of Vietnam Era or disabled veteran status.

**WSR 83-17-138**

**ADOPTED RULES**

**PUBLIC DISCLOSURE COMMISSION**

[Order 83-02—Filed August 24, 1983]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, Olympia, WA 98504, FJ-42, that it does adopt the annexed rules relating to duties of elections officials receiving copies of campaign finance reports, new WAC 390-13-100.

This action is taken pursuant to Notice No. WSR 83-14-036 filed with the code reviser on June 30, 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 42.17.370(1) which directs that the Public Disclosure Commission has authority to implement the provisions of the Washington State Open Government Act.

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

APPROVED AND ADOPTED August 23, 1983.

By Graham E. Johnson  
Administrator

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 83-17-139**

**PROPOSED RULES**

**CORRECTIONS STANDARDS BOARD**

[Filed August 24, 1983]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Corrections Standards Board intends to adopt, amend, or repeal rules concerning classification and uses of holding facilities, WAC 289-02-040;

that the agency will at 10:00 or later, Wednesday, October 12, 1983, in the Governor House Hotel, 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 70.48.050(1)(c).

The specific statute these rules are intended to implement is RCW 70.48.050(1)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 5, 1983.

Dated: August 24, 1983

By: Robert W. Cote

Executive Secretary

#### STATEMENT OF PURPOSE

Title: WAC 289-02-040, Classification and uses of holding facilities.

Description of Purpose: To classify holding facilities for purposes of implementation and enforcement of custodial care standards for holding facilities, and to specify the conditions under which holding facilities may incarcerate prisoners serving "split sentences" which exceed the length of time for which the facility is classified, where this is authorized by the court.

Specific Statutory Authority: RCW 70.48.050(1)(c).

Summary of Rule: This regulation authorizes the Corrections Standards Board to classify holding facilities as "six-hour," "72-hour" and "30 day" holding facilities for purposes of implementation and enforcement of the custodial care standards for these facilities. It also permits these facilities to incarcerate prisoners serving "split" or "weekend" sentences, provided that no continuous portion is longer than the period of time for which the holding facility is authorized to hold prisoners, and that each such portion is followed by a period of nonincarceration which is at least as long as any continuous portion thus served.

Reasons: This regulation further clarifies the board's authority to designate which facilities are subject to the custodial care standards applicable to six-hour, 72-hour and 30-day holding facilities. It also permits jurisdictions to incarcerate prisoners for longer sentences in local facilities, without incurring the additional expenses and delays of transporting them to other facilities authorized to hold prisoners for longer periods of time. This has the additional advantage of permitting low-risk prisoners to serve their sentences in their local communities, thus better preserve their family, employment and community ties.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Cote, Executive Secretary, Corrections Standards Board, 110 East 5th Street, GB-12, (206) 753-5790.

Person or Organization Proposing Rule: State of Washington, Corrections Standards Board.

Agency Comments: None.

Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: None.

#### NEW SECTION

WAC 289-02-040 CLASSIFICATION AND USES OF HOLDING FACILITIES. (1) The Corrections Standards Board shall classify each holding facility as a "6-hour", "72-hour" or "30-day" holding facility, pursuant to WAC 289-02-030. (2) Pursuant to RCW 70.48.050(1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve a sentence in excess of

72 hours in a 72-hour holding facility PROVIDED THAT no continuous portion thereof exceeds 72 hours and each such portion is followed by a period of non-incarceration which is at least as long as the period of incarceration. (3) Pursuant to RCW 70.48.050(1)(c) and with the approval of the court having jurisdiction of the prisoner, a sentenced prisoner may serve a sentence in excess of 30 days in a 30-day holding facility PROVIDED THAT no continuous portion thereof exceeds 30 days and each such portion is followed by a period of non-incarceration which is at least as long as the period of incarceration.

**WSR 83-17-140**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 83-99—Filed August 24, 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.

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, 6C, 7, 7A provide protection for Canadian and Puget Sound chinook during sockeye and pink fisheries under the direction of IPSFC. Openings in Areas 7B, 8A, 12, and 12B provide opportunity to harvest non-Indian chinook allocations. All other areas are closed to prevent overharvest. Troll restrictions in Areas 4B, 5, 6C provide protection for chinook and coho stocks.

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

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

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

APPROVED AND ADOPTED August 24, 1983.

By Edward P. Manary  
for William R. Wilkerson  
Director

**NEW SECTION**

**WAC 220-47-806 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes in the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

*Area 4B – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear is restricted to 5-7/8-inch maximum mesh, when open. It is unlawful to possess or*

*land troll-caught chinook and coho harvested in Area 4B when trolling is allowed under IPSFC fishing regulations. Additionally, troll gear is restricted to bare, blued hooks and flashers when trolling is allowed under IPSFC regulations.*

*Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open. Trolling in Areas 5 and 6C is allowed when provided for under International Pacific Salmon Fisheries Commission regulations. Additionally, it is unlawful to land troll-caught chinook and coho harvested in Areas 5 and 6C.*

*Areas 6, 6A, 7, and 7A – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce. Gill net gear restricted to 5-7/8-inch maximum mesh, when open.*

*Area 7D – Under control of International Pacific Salmon Fisheries Commission and U.S. Department of Commerce.*

*\*Area 7B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 24 through the morning of August 26. That portion south and east of a line from William Point on Samish Island to Saddlebag Island to the southeast tip of Guemes Island is closed as provided in WAC 220-47-307.*

*Area 8A – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 24 through the morning of August 26. The Port Gardner Preserve and the waters of Port Susan are closed as provided in WAC 220-47-307.*

*Areas 12 and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM the night of August 24 through the morning of August 25. That portion of Area 12 near the mouth of Big Beef Creek is closed as provided in WAC 220-47-307.*

*Areas 6B, 6D, 7C, 8, 9, 9A, 10, 10A, 10B, 10C, 10D, 10E, 11, 11A, 12A, 12C, 12D, 13, 13A, 13B, and all freshwater areas – Closed.*

**REPEALER**

The following section of the Washington Administrative Code is repealed:

**WAC 220-47-805 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (83-96)**

**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.

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| 50-48-050  | NEW-P  | 83-16-072 | 82-50-031   | NEW   | 83-17-118 | 132A-120-060 | AMD   | 83-14-068 |
| 50-48-060  | NEW-E  | 83-10-037 | 82-50-032   | NEW-P | 83-15-049 | 132E-160-010 | REP-P | 83-05-020 |
| 50-48-060  | NEW-P  | 83-16-072 | 82-50-032   | NEW   | 83-17-118 | 132E-160-010 | REP   | 83-10-025 |
| 50-48-070  | NEW-E  | 83-10-037 | 82-50-040   | REP-P | 83-15-049 | 132E-160-010 | REP-P | 83-05-020 |
| 50-48-070  | NEW-P  | 83-16-072 | 82-50-040   | REP   | 83-17-118 | 132E-160-010 | REP   | 83-10-025 |
| 50-48-080  | NEW-E  | 83-10-037 | 82-50-041   | NEW-E | 83-15-003 | 132E-160-010 | REP-P | 83-05-020 |
| 50-48-080  | NEW-P  | 83-16-072 | 82-50-041   | NEW-P | 83-15-049 | 132E-160-010 | REP   | 83-10-025 |
| 50-48-090  | NEW-E  | 83-10-037 | 82-50-041   | NEW   | 83-17-118 | 132E-160-010 | REP-P | 83-05-020 |
| 50-48-090  | NEW-P  | 83-16-072 | 82-50-041   | NEW   | 83-02-063 | 132E-160-010 | REP   | 83-10-025 |
| 51-10      | AMD-P  | 83-07-012 | 98-12-030   | NEW   | 83-02-063 | 132E-160-010 | REP-P | 83-05-020 |
| 51-10      | AMD    | 83-15-033 | 98-12-040   | NEW   | 83-02-063 | 132E-160-010 | REP   | 83-10-025 |
| 51-12      | AMD-P  | 83-10-082 | 98-14-080   | NEW   | 83-02-063 | 132E-160-010 | REP-P | 83-05-020 |
| 67-20-190  | AMD-P  | 83-06-068 | 98-14-090   | NEW   | 83-13-034 | 132E-160-010 | REP   | 83-10-025 |
| 67-20-190  | AMD    | 83-10-033 | 106-116-042 | AMD   | 83-13-034 | 132E-160-010 | REP-P | 83-05-020 |
| 67-20-388  | AMD-P  | 83-06-068 | 106-116-103 | AMD   | 83-13-034 | 132E-160-010 | REP   | 83-10-025 |
| 67-20-388  | AMD    | 83-10-033 | 106-116-201 | AMD   | 83-13-034 | 132E-160-010 | REP-P | 83-05-020 |
| 67-20-395  | AMD-P  | 83-06-068 | 106-116-203 | AMD   | 83-13-034 | 132E-160-010 | REP   | 83-10-025 |
| 67-20-395  | AMD    | 83-10-033 | 106-116-213 | AMD   | 83-13-034 | 132E-160-010 | REP-P | 83-05-020 |
| 67-40-022  | NEW-E  | 83-05-014 | 106-116-310 | AMD   | 83-13-034 | 132E-160-010 | REP   | 83-10-025 |
| 67-40-022  | NEW-P  | 83-06-067 | 106-116-403 | AMD   | 83-13-034 | 132E-160-010 | REP-P | 83-05-020 |
| 67-40-022  | NEW-E  | 83-10-034 | 106-116-404 | AMD   | 83-13-034 | 132E-160-010 | REP   | 83-10-025 |
| 67-40-022  | NEW    | 83-10-035 | 106-116-514 | AMD   | 83-13-034 | 132E-160-010 | REP-P | 83-05-020 |
| 67-40-026  | NEW-E  | 83-05-014 | 106-116-601 | AMD   | 83-13-034 | 132E-160-010 | REP   | 83-10-025 |
| 67-40-026  | NEW-P  | 83-06-067 | 106-116-603 | AMD   | 83-07-024 | 132E-160-010 | REP-P | 83-05-020 |
| 67-40-026  | NEW-E  | 83-10-034 | 106-140-151 | REP-E | 83-08-070 | 132E-160-010 | REP   | 83-10-025 |
| 67-40-026  | NEW    | 83-10-035 | 106-140-151 | REP-P | 83-11-033 | 132E-160-010 | REP-P | 83-05-020 |
| 67-40-051  | NEW-E  | 83-05-014 | 106-140-151 | REP   | 83-08-070 | 132E-160-010 | REP   | 83-10-025 |
|            |        |           | 114-12-135  | NEW-P | 83-13-116 | 132E-160-010 | REP   | 83-10-025 |

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| 132E-160-140 | REP-P | 83-05-020 | 132F-200-010 | NEW-P | 83-09-044 | 132L-112-911 | REP   | 83-07-067 |
| 132E-160-140 | REP   | 83-10-025 | 132F-200-010 | NEW   | 83-13-058 | 132L-112-912 | REP-P | 83-03-072 |
| 132E-160-150 | REP-P | 83-05-020 | 132G-120-010 | AMD   | 83-07-020 | 132L-112-912 | REP   | 83-07-067 |
| 132E-160-150 | REP   | 83-10-025 | 132G-120-030 | AMD   | 83-07-020 | 132L-112-913 | REP-P | 83-03-072 |
| 132E-160-160 | REP-P | 83-05-020 | 132G-120-040 | AMD   | 83-07-020 | 132L-112-913 | REP   | 83-07-067 |
| 132E-160-160 | REP   | 83-10-025 | 132G-120-060 | AMD   | 83-07-020 | 132L-112-914 | REP-P | 83-03-072 |
| 132E-160-170 | REP-P | 83-05-020 | 132G-120-061 | NEW   | 83-07-020 | 132L-112-914 | REP   | 83-07-067 |
| 132E-160-170 | REP   | 83-10-025 | 132G-120-062 | NEW   | 83-07-020 | 132L-112-915 | REP-P | 83-03-072 |
| 132E-160-180 | REP-P | 83-05-020 | 132G-120-063 | NEW   | 83-07-020 | 132L-112-915 | REP   | 83-07-067 |
| 132E-160-180 | REP   | 83-10-025 | 132G-120-064 | NEW   | 83-07-020 | 132L-112-916 | REP-P | 83-03-072 |
| 132E-160-190 | REP-P | 83-05-020 | 132G-120-065 | NEW   | 83-07-020 | 132L-112-916 | REP   | 83-07-067 |
| 132E-160-190 | REP   | 83-10-025 | 132G-120-070 | AMD   | 83-07-020 | 132L-112-917 | REP-P | 83-03-072 |
| 132E-160-200 | REP-P | 83-05-020 | 132G-120-080 | AMD   | 83-07-020 | 132L-112-917 | REP   | 83-07-067 |
| 132E-160-200 | REP   | 83-10-025 | 132G-120-090 | AMD   | 83-07-020 | 132L-112-918 | REP-P | 83-03-072 |
| 132E-160-210 | REP-P | 83-05-020 | 132G-120-100 | AMD   | 83-07-020 | 132L-112-918 | REP   | 83-07-067 |
| 132E-160-210 | REP   | 83-10-025 | 132G-120-110 | AMD   | 83-07-020 | 132L-112-919 | REP-P | 83-03-072 |
| 132E-160-220 | REP-P | 83-05-020 | 132H-105-030 | AMD   | 83-05-051 | 132L-112-919 | REP   | 83-07-067 |
| 132E-160-220 | REP   | 83-10-025 | 132H-120-200 | AMD-P | 83-07-040 | 132L-112-920 | REP-P | 83-03-072 |
| 132E-160-230 | REP-P | 83-05-020 | 132H-120-200 | AMD   | 83-12-012 | 132L-112-920 | REP   | 83-07-067 |
| 132E-160-230 | REP   | 83-10-025 | 132H-200-010 | AMD-P | 83-13-074 | 132L-112-921 | REP-P | 83-03-072 |
| 132E-160-240 | REP-P | 83-05-020 | 132H-200-020 | AMD-P | 83-13-074 | 132L-112-921 | REP   | 83-07-067 |
| 132E-160-240 | REP   | 83-10-025 | 132H-200-100 | AMD-P | 83-13-074 | 132L-112-922 | REP-P | 83-03-072 |
| 132E-160-250 | REP-P | 83-05-020 | 132K-112-010 | AMD-P | 83-17-088 | 132L-112-922 | REP   | 83-07-067 |
| 132E-160-250 | REP   | 83-10-025 | 132K-112-015 | AMD-P | 83-17-088 | 132L-112-922 | REP   | 83-07-067 |
| 132E-160-260 | REP-P | 83-05-020 | 132K-112-020 | AMD-P | 83-17-088 | 132L-112-923 | REP-P | 83-03-072 |
| 132E-160-260 | REP   | 83-10-025 | 132K-112-025 | AMD-P | 83-17-088 | 132L-112-923 | REP   | 83-07-067 |
| 132E-160-270 | REP-P | 83-05-020 | 132L-112-010 | REP-P | 83-03-072 | 132L-116-010 | REP-P | 83-03-072 |
| 132E-160-270 | REP   | 83-10-025 | 132L-112-010 | REP   | 83-07-067 | 132L-116-010 | REP   | 83-07-067 |
| 132E-160-280 | REP-P | 83-05-020 | 132L-112-020 | REP-P | 83-03-072 | 132L-116-020 | REP-P | 83-03-072 |
| 132E-160-280 | REP   | 83-10-025 | 132L-112-020 | REP   | 83-07-067 | 132L-116-020 | REP   | 83-07-067 |
| 132E-160-290 | REP-P | 83-05-020 | 132L-112-030 | REP-P | 83-03-072 | 132L-116-030 | REP-P | 83-03-072 |
| 132E-160-290 | REP   | 83-10-025 | 132L-112-030 | REP   | 83-07-067 | 132L-116-030 | REP   | 83-07-067 |
| 132E-160-300 | REP-P | 83-05-020 | 132L-112-040 | REP-P | 83-03-072 | 132L-116-040 | REP-P | 83-03-072 |
| 132E-160-300 | REP   | 83-10-025 | 132L-112-040 | REP   | 83-07-067 | 132L-116-040 | REP   | 83-07-067 |
| 132E-160-310 | REP-P | 83-05-020 | 132L-112-200 | REP-P | 83-03-072 | 132L-116-050 | REP-P | 83-03-072 |
| 132E-160-310 | REP   | 83-10-025 | 132L-112-200 | REP   | 83-07-067 | 132L-116-050 | REP   | 83-07-067 |
| 132E-160-320 | REP-P | 83-05-020 | 132L-112-205 | REP-P | 83-03-072 | 132L-128-010 | REP-P | 83-03-072 |
| 132E-160-320 | REP   | 83-10-025 | 132L-112-205 | REP   | 83-07-067 | 132L-128-010 | REP   | 83-07-067 |
| 132E-160-330 | REP-P | 83-05-020 | 132L-112-210 | REP-P | 83-03-072 | 132L-128-025 | REP-P | 83-03-072 |
| 132E-160-330 | REP   | 83-10-025 | 132L-112-210 | REP   | 83-07-067 | 132L-128-025 | REP   | 83-07-067 |
| 132E-160-340 | REP-P | 83-05-020 | 132L-112-220 | REP-P | 83-03-072 | 132L-128-030 | REP-P | 83-03-072 |
| 132E-160-340 | REP   | 83-10-025 | 132L-112-220 | REP   | 83-07-067 | 132L-128-030 | REP   | 83-07-067 |
| 132E-160-350 | REP-P | 83-05-020 | 132L-112-230 | REP-P | 83-03-072 | 132L-128-040 | REP-P | 83-03-072 |
| 132E-160-350 | REP   | 83-10-025 | 132L-112-230 | REP   | 83-07-067 | 132L-128-040 | REP   | 83-07-067 |
| 132E-160-360 | REP-P | 83-05-020 | 132L-112-240 | REP-P | 83-03-072 | 132L-128-050 | REP-P | 83-03-072 |
| 132E-160-360 | REP   | 83-10-025 | 132L-112-240 | REP   | 83-07-067 | 132L-128-050 | REP   | 83-07-067 |
| 132E-161-010 | NEW-P | 83-05-037 | 132L-112-250 | REP-P | 83-03-072 | 132L-128-060 | REP-P | 83-03-072 |
| 132E-161-010 | NEW   | 83-10-026 | 132L-112-250 | REP   | 83-07-067 | 132L-128-070 | REP-P | 83-03-072 |
| 132F-01-010  | NEW-P | 83-09-044 | 132L-112-270 | REP-P | 83-03-072 | 132L-128-070 | REP   | 83-07-067 |
| 132F-01-010  | NEW   | 83-13-058 | 132L-112-270 | REP   | 83-07-067 | 132L-128-080 | REP-P | 83-03-072 |
| 132F-01-020  | NEW-P | 83-09-044 | 132L-112-280 | REP-P | 83-03-072 | 132L-128-080 | REP   | 83-07-067 |
| 132F-01-020  | NEW   | 83-13-058 | 132L-112-280 | REP   | 83-07-067 | 132L-128-090 | REP-P | 83-03-072 |
| 132F-104     | AMD-P | 83-09-044 | 132L-112-290 | REP-P | 83-03-072 | 132L-128-090 | REP   | 83-07-067 |
| 132F-104     | AMD   | 83-13-058 | 132L-112-290 | REP   | 83-07-067 | 132L-140-020 | AMD-P | 83-12-043 |
| 132F-104-030 | AMD-P | 83-09-044 | 132L-112-900 | REP-P | 83-03-072 | 132L-140-020 | AMD   | 83-17-022 |
| 132F-104-030 | AMD   | 83-13-058 | 132L-112-900 | REP   | 83-07-067 | 132Q-276     | NEW-C | 83-07-004 |
| 132F-104-100 | REP-P | 83-09-044 | 132L-112-901 | REP-P | 83-03-072 | 132Q-276-010 | NEW-P | 83-06-009 |
| 132F-104-100 | REP   | 83-13-058 | 132L-112-901 | REP   | 83-07-067 | 132Q-276-010 | NEW   | 83-10-004 |
| 132F-104-110 | REP-P | 83-09-044 | 132L-112-902 | REP-P | 83-03-072 | 132Q-276-020 | NEW-P | 83-06-009 |
| 132F-104-110 | REP   | 83-13-058 | 132L-112-902 | REP   | 83-07-067 | 132Q-276-020 | NEW   | 83-10-004 |
| 132F-104-120 | REP-P | 83-09-044 | 132L-112-903 | REP-P | 83-03-072 | 132Q-276-030 | NEW-P | 83-06-009 |
| 132F-104-120 | REP   | 83-13-058 | 132L-112-903 | REP   | 83-07-067 | 132Q-276-030 | NEW   | 83-10-004 |
| 132F-104-811 | AMD-P | 83-09-044 | 132L-112-904 | REP-P | 83-03-072 | 132Q-276-040 | NEW-P | 83-06-009 |
| 132F-104-811 | AMD   | 83-13-058 | 132L-112-904 | REP   | 83-07-067 | 132Q-276-040 | NEW   | 83-10-004 |
| 132F-104-812 | AMD-P | 83-09-044 | 132L-112-905 | REP-P | 83-03-072 | 132Q-276-050 | NEW-P | 83-06-009 |
| 132F-104-812 | AMD   | 83-13-058 | 132L-112-905 | REP   | 83-07-067 | 132Q-276-050 | NEW   | 83-10-004 |
| 132F-104-813 | AMD-P | 83-09-044 | 132L-112-906 | REP-P | 83-03-072 | 132Q-276-060 | NEW-P | 83-06-009 |
| 132F-104-813 | AMD   | 83-13-058 | 132L-112-906 | REP   | 83-07-067 | 132Q-276-060 | NEW   | 83-10-004 |
| 132F-104-814 | AMD-P | 83-09-044 | 132L-112-907 | REP-P | 83-03-072 | 132Q-276-070 | NEW-P | 83-06-009 |
| 132F-104-814 | AMD   | 83-13-058 | 132L-112-907 | REP   | 83-07-067 | 132Q-276-070 | NEW   | 83-10-004 |
| 132F-104-815 | AMD-P | 83-09-044 | 132L-112-908 | REP-P | 83-03-072 | 132Q-276-080 | NEW-P | 83-06-009 |
| 132F-104-815 | AMD   | 83-13-058 | 132L-112-908 | REP   | 83-07-067 | 132Q-276-080 | NEW   | 83-10-004 |
| 132F-104-817 | AMD-P | 83-09-044 | 132L-112-909 | REP-P | 83-03-072 | 132Q-276-090 | NEW-P | 83-06-009 |
| 132F-104-817 | AMD   | 83-13-058 | 132L-112-909 | REP   | 83-07-067 | 132Q-276-090 | NEW   | 83-10-004 |
| 132F-104-819 | AMD-P | 83-09-044 | 132L-112-910 | REP-P | 83-03-072 | 132Q-276-100 | NEW-P | 83-06-009 |
| 132F-104-819 | AMD   | 83-13-058 | 132L-112-910 | REP   | 83-07-067 | 132Q-276-100 | NEW   | 83-10-004 |
| 132F-120     | AMD-C | 83-06-001 | 132L-112-911 | REP-P | 83-03-072 | 132Q-276-110 | NEW-P | 83-06-009 |

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| 132Q-276-110 | NEW   | 83-10-004 | 133-40-040  | NEW   | 83-10-041 | 137-48     | NEW-W | 83-08-007 |
| 132Q-276-120 | NEW-P | 83-06-009 | 133-40-050  | NEW-P | 83-03-061 | 137-48     | NEW-E | 83-08-063 |
| 132Q-276-120 | NEW   | 83-10-004 | 133-40-050  | NEW   | 83-10-041 | 137-48-010 | NEW-P | 83-02-048 |
| 132Q-276-130 | NEW-P | 83-06-009 | 133-40-060  | NEW-P | 83-03-061 | 137-48-010 | NEW-E | 83-02-050 |
| 132Q-276-130 | NEW   | 83-10-004 | 133-40-060  | NEW   | 83-10-041 | 137-48-010 | NEW-W | 83-08-007 |
| 132Q-276-140 | NEW-P | 83-06-009 | 133-50      | NEW-C | 83-07-003 | 137-48-010 | NEW-E | 83-08-063 |
| 132Q-276-140 | NEW   | 83-10-004 | 133-50      | NEW   | 83-10-041 | 137-48-010 | NEW-E | 83-15-004 |
| 132Y-100-008 | AMD-P | 83-16-056 | 133-50-010  | NEW-P | 83-03-061 | 137-48-010 | NEW-P | 83-17-135 |
| 132Y-100-020 | AMD-P | 83-16-056 | 133-50-010  | NEW   | 83-10-041 | 137-48-020 | NEW-P | 83-02-048 |
| 132Y-100-032 | AMD-P | 83-16-056 | 133-50-020  | NEW-P | 83-03-061 | 137-48-020 | NEW-E | 83-02-050 |
| 132Y-100-072 | AMD-P | 83-16-056 | 133-50-020  | NEW   | 83-10-041 | 137-48-020 | NEW-W | 83-08-007 |
| 132Y-100-080 | AMD-P | 83-16-056 | 136-150-010 | NEW-E | 83-15-039 | 137-48-020 | NEW-E | 83-08-063 |
| 132Y-100-096 | AMD-P | 83-16-056 | 136-150-020 | NEW-E | 83-15-039 | 137-48-020 | NEW-E | 83-15-004 |
| 132Y-100-104 | AMD-P | 83-16-056 | 136-150-030 | NEW-E | 83-15-039 | 137-48-020 | NEW-P | 83-17-135 |
| 132Y-100-108 | AMD-P | 83-16-056 | 136-150-040 | NEW-E | 83-15-039 | 137-48-030 | NEW-P | 83-02-048 |
| 132Y-100-112 | AMD-P | 83-16-056 | 136-150-050 | NEW-E | 83-15-039 | 137-48-030 | NEW-E | 83-02-050 |
| 133-10       | NEW-C | 83-07-003 | 136-150-090 | NEW-E | 83-15-039 | 137-48-030 | NEW-W | 83-08-007 |
| 133-10       | NEW   | 83-10-041 | 136-150-100 | NEW-E | 83-15-039 | 137-48-030 | NEW-E | 83-08-063 |
| 133-10-010   | NEW-P | 83-03-061 | 137-36      | NEW-C | 83-06-011 | 137-48-030 | NEW-E | 83-15-004 |
| 133-10-010   | NEW   | 83-10-041 | 137-36      | NEW-W | 83-08-007 | 137-48-030 | NEW-P | 83-17-135 |
| 133-10-020   | NEW-P | 83-03-061 | 137-36      | NEW-E | 83-08-063 | 137-48-040 | NEW-P | 83-02-048 |
| 133-10-020   | NEW   | 83-10-041 | 137-36-010  | NEW-P | 83-02-049 | 137-48-040 | NEW-E | 83-02-050 |
| 133-10-030   | NEW-P | 83-03-061 | 137-36-010  | NEW-E | 83-02-051 | 137-48-040 | NEW-W | 83-08-007 |
| 133-10-030   | NEW   | 83-10-041 | 137-36-010  | NEW-W | 83-08-007 | 137-48-040 | NEW-E | 83-08-063 |
| 133-20       | NEW-C | 83-07-003 | 137-36-010  | NEW-E | 83-08-063 | 137-48-040 | NEW-E | 83-15-004 |
| 133-20       | NEW   | 83-10-041 | 137-36-010  | NEW-E | 83-15-004 | 137-48-040 | NEW-P | 83-17-135 |
| 133-20-010   | NEW-P | 83-03-061 | 137-36-010  | NEW-E | 83-17-136 | 137-48-050 | NEW-P | 83-02-048 |
| 133-20-010   | NEW   | 83-10-041 | 137-36-020  | NEW-P | 83-02-049 | 137-48-050 | NEW-E | 83-02-050 |
| 133-20-020   | NEW-P | 83-03-061 | 137-36-020  | NEW-E | 83-02-051 | 137-48-050 | NEW-W | 83-08-007 |
| 133-20-020   | NEW   | 83-10-041 | 137-36-020  | NEW-W | 83-08-007 | 137-48-050 | NEW-E | 83-08-063 |
| 133-20-030   | NEW-P | 83-03-061 | 137-36-020  | NEW-E | 83-08-063 | 137-48-050 | NEW-E | 83-15-004 |
| 133-20-030   | NEW   | 83-10-041 | 137-36-020  | NEW-E | 83-15-004 | 137-48-050 | NEW-P | 83-17-135 |
| 133-20-040   | NEW-P | 83-03-061 | 137-36-020  | NEW-P | 83-17-136 | 137-48-060 | NEW-P | 83-02-048 |
| 133-20-040   | NEW   | 83-10-041 | 137-36-030  | NEW-P | 83-02-049 | 137-48-060 | NEW-E | 83-02-050 |
| 133-20-050   | NEW-P | 83-03-061 | 137-36-030  | NEW-E | 83-02-051 | 137-48-060 | NEW-W | 83-08-007 |
| 133-20-050   | NEW   | 83-10-041 | 137-36-030  | NEW-W | 83-08-007 | 137-48-060 | NEW-E | 83-08-063 |
| 133-20-060   | NEW-P | 83-03-061 | 137-36-030  | NEW-E | 83-08-063 | 137-48-060 | NEW-E | 83-15-004 |
| 133-20-060   | NEW   | 83-10-041 | 137-36-030  | NEW-E | 83-15-004 | 137-48-060 | NEW-P | 83-17-135 |
| 133-20-070   | NEW-P | 83-03-061 | 137-36-030  | NEW-P | 83-17-136 | 137-48-070 | NEW-P | 83-02-048 |
| 133-20-070   | NEW   | 83-10-041 | 137-36-040  | NEW-P | 83-02-049 | 137-48-070 | NEW-E | 83-02-050 |
| 133-20-080   | NEW-P | 83-03-061 | 137-36-040  | NEW-E | 83-02-051 | 137-48-070 | NEW-W | 83-08-007 |
| 133-20-080   | NEW   | 83-10-041 | 137-36-040  | NEW-W | 83-08-007 | 137-48-070 | NEW-E | 83-08-063 |
| 133-20-090   | NEW-P | 83-03-061 | 137-36-040  | NEW-E | 83-08-063 | 137-48-070 | NEW-E | 83-15-004 |
| 133-20-090   | NEW   | 83-10-041 | 137-36-040  | NEW-E | 83-15-004 | 137-48-070 | NEW-P | 83-17-135 |
| 133-20-100   | NEW-P | 83-03-061 | 137-36-040  | NEW-P | 83-17-136 | 137-48-080 | NEW-P | 83-02-048 |
| 133-20-100   | NEW   | 83-10-041 | 137-36-050  | NEW-P | 83-02-049 | 137-48-080 | NEW-E | 83-02-050 |
| 133-20-110   | NEW-P | 83-03-061 | 137-36-050  | NEW-E | 83-02-051 | 137-48-080 | NEW-W | 83-08-007 |
| 133-20-110   | NEW   | 83-10-041 | 137-36-050  | NEW-W | 83-08-007 | 137-48-080 | NEW-E | 83-08-063 |
| 133-20-120   | NEW-P | 83-03-061 | 137-36-050  | NEW-E | 83-08-063 | 137-48-080 | NEW-E | 83-15-004 |
| 133-20-120   | NEW   | 83-10-041 | 137-36-050  | NEW-E | 83-15-004 | 137-48-080 | NEW-P | 83-17-135 |
| 133-30       | NEW-C | 83-07-003 | 137-36-050  | NEW-P | 83-17-136 | 137-48-090 | NEW-E | 83-08-063 |
| 133-30       | NEW   | 83-10-041 | 137-36-060  | NEW-P | 83-02-049 | 137-48-090 | NEW-E | 83-15-004 |
| 133-30-010   | NEW-P | 83-03-061 | 137-36-060  | NEW-E | 83-02-051 | 137-48-090 | NEW-P | 83-17-135 |
| 133-30-010   | NEW   | 83-10-041 | 137-36-060  | NEW-W | 83-08-007 | 137-49-010 | REP-E | 83-07-006 |
| 133-30-020   | NEW-P | 83-03-061 | 137-36-060  | NEW-E | 83-08-063 | 137-49-010 | NEW-W | 83-07-007 |
| 133-30-020   | NEW   | 83-10-041 | 137-36-060  | NEW-E | 83-15-004 | 137-50     | NEW-C | 83-06-011 |
| 133-30-030   | NEW-P | 83-03-061 | 137-36-060  | NEW-P | 83-17-136 | 137-50     | NEW-W | 83-08-007 |
| 133-30-030   | NEW   | 83-10-041 | 137-36-070  | NEW-P | 83-02-049 | 137-50-010 | NEW-W | 83-08-007 |
| 133-30-040   | NEW-P | 83-03-061 | 137-36-070  | NEW-E | 83-02-051 | 137-54-010 | NEW-E | 83-13-015 |
| 133-30-040   | NEW   | 83-10-041 | 137-36-070  | NEW-W | 83-08-007 | 137-54-020 | NEW-E | 83-13-015 |
| 133-30-050   | NEW-P | 83-03-061 | 137-36-070  | NEW-E | 83-08-063 | 137-54-030 | NEW-E | 83-13-015 |
| 133-30-050   | NEW   | 83-10-041 | 137-36-070  | NEW-E | 83-15-004 | 137-54-040 | NEW-E | 83-13-015 |
| 133-30-060   | NEW-P | 83-03-061 | 137-36-070  | NEW-P | 83-17-136 | 137-54-050 | NEW-E | 83-13-015 |
| 133-30-060   | NEW   | 83-10-041 | 137-37      | NEW-C | 83-11-021 | 137-54-060 | NEW-E | 83-13-015 |
| 133-30-070   | NEW-P | 83-03-061 | 137-37-010  | NEW-P | 83-08-006 | 137-54-070 | NEW-E | 83-13-015 |
| 133-30-070   | NEW   | 83-10-041 | 137-37-010  | NEW-W | 83-16-017 | 137-56-190 | AMD   | 83-05-009 |
| 133-30-080   | NEW-P | 83-03-061 | 137-37-020  | NEW-P | 83-08-006 | 137-56-250 | AMD-P | 83-07-049 |
| 133-30-080   | NEW   | 83-10-041 | 137-37-020  | NEW-W | 83-16-017 | 137-56-250 | AMD   | 83-10-042 |
| 133-40       | NEW-C | 83-07-003 | 137-37-030  | NEW-P | 83-08-006 | 139-14-010 | AMD-C | 83-04-009 |
| 133-40       | NEW   | 83-10-041 | 137-37-030  | NEW-W | 83-16-017 | 139-14-010 | AMD-E | 83-04-014 |
| 133-40-010   | NEW-P | 83-03-061 | 137-37-040  | NEW-P | 83-08-006 | 139-14-010 | AMD   | 83-07-046 |
| 133-40-010   | NEW   | 83-10-041 | 137-37-040  | NEW-W | 83-16-017 | 139-20-010 | REP-C | 83-04-008 |
| 133-40-020   | NEW-P | 83-03-061 | 137-37-050  | NEW-P | 83-08-006 | 139-20-010 | REP-E | 83-04-012 |
| 133-40-020   | NEW   | 83-10-041 | 137-37-050  | NEW-W | 83-16-017 | 139-20-010 | REP   | 83-07-044 |
| 133-40-030   | NEW-P | 83-03-061 | 137-37-060  | NEW-P | 83-08-006 | 139-20-020 | NEW-C | 83-04-007 |
| 133-40-030   | NEW   | 83-10-041 | 137-37-060  | NEW-W | 83-16-017 | 139-20-020 | NEW-E | 83-04-013 |
| 133-40-040   | NEW-P | 83-03-061 | 137-48      | NEW-C | 83-06-011 | 139-20-020 | NEW   | 83-07-045 |

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| 140-08-010 | NEW-P | 83-02-053 | 154-04-100  | AMD-C | 83-10-050 | 172-129-100 | REP-P | 83-14-021 |
| 140-08-010 | NEW   | 83-06-034 | 154-04-100  | AMD   | 83-13-044 | 172-129-110 | REP-P | 83-14-021 |
| 140-08-020 | NEW-P | 83-02-053 | 154-12-010  | AMD-E | 83-09-020 | 172-129-120 | REP-P | 83-14-021 |
| 140-08-020 | NEW   | 83-06-034 | 154-12-010  | AMD-P | 83-09-021 | 172-129-130 | REP-P | 83-14-021 |
| 140-08-030 | NEW-P | 83-02-053 | 154-12-010  | AMD-C | 83-10-050 | 172-129-140 | REP-P | 83-14-021 |
| 140-08-030 | NEW   | 83-06-034 | 154-12-010  | AMD   | 83-13-044 | 172-129-145 | REP-P | 83-14-021 |
| 140-08-040 | NEW-P | 83-02-053 | 154-12-015  | NEW-E | 83-09-020 | 172-129-150 | REP-P | 83-14-021 |
| 140-08-040 | NEW   | 83-06-034 | 154-12-015  | NEW-P | 83-09-021 | 172-129-160 | REP-P | 83-14-021 |
| 140-08-050 | NEW-P | 83-02-053 | 154-12-015  | NEW-C | 83-10-050 | 173-19-1104 | AMD-P | 83-10-061 |
| 140-08-050 | NEW   | 83-06-034 | 154-12-015  | NEW   | 83-13-044 | 173-19-1104 | AMD   | 83-14-003 |
| 140-08-060 | NEW-P | 83-02-053 | 154-12-020  | AMD-E | 83-09-020 | 173-19-120  | AMD-P | 83-17-114 |
| 140-08-060 | NEW   | 83-06-034 | 154-12-020  | AMD-P | 83-09-021 | 173-19-130  | AMD   | 83-02-066 |
| 140-08-070 | NEW-P | 83-02-053 | 154-12-020  | AMD-C | 83-10-050 | 173-19-190  | AMD-P | 83-10-061 |
| 140-08-070 | NEW   | 83-06-034 | 154-12-020  | AMD   | 83-13-044 | 173-19-190  | AMD-C | 83-14-010 |
| 140-08-080 | NEW-P | 83-02-053 | 154-12-030  | AMD-E | 83-09-020 | 173-19-190  | AMD   | 83-17-032 |
| 140-08-080 | NEW   | 83-06-034 | 154-12-030  | AMD-P | 83-09-021 | 173-19-2208 | AMD-P | 83-14-085 |
| 140-08-090 | NEW-P | 83-02-053 | 154-12-030  | AMD-C | 83-10-050 | 173-19-2208 | AMD-C | 83-17-113 |
| 140-08-090 | NEW   | 83-06-034 | 154-12-030  | AMD   | 83-13-044 | 173-19-240  | AMD-P | 83-11-048 |
| 140-08-100 | NEW-P | 83-02-053 | 154-12-090  | AMD-E | 83-09-020 | 173-19-240  | AMD   | 83-14-086 |
| 140-08-100 | NEW   | 83-06-034 | 154-12-090  | AMD-P | 83-09-021 | 173-19-2503 | AMD-P | 83-02-065 |
| 140-08-110 | NEW-P | 83-02-053 | 154-12-090  | AMD-C | 83-10-050 | 173-19-2503 | AMD   | 83-07-080 |
| 140-08-110 | NEW   | 83-06-034 | 154-12-090  | AMD   | 83-13-044 | 173-19-2505 | AMD-P | 83-02-064 |
| 140-12-010 | NEW-P | 83-02-054 | 154-12-100  | AMD-E | 83-09-020 | 173-19-2505 | AMD-P | 83-03-069 |
| 140-12-010 | NEW   | 83-06-035 | 154-12-100  | AMD-P | 83-09-021 | 173-19-2505 | AMD   | 83-07-019 |
| 140-12-020 | NEW-P | 83-02-054 | 154-12-100  | AMD-C | 83-10-050 | 173-19-2521 | AMD-P | 83-02-065 |
| 140-12-020 | NEW   | 83-06-035 | 154-12-100  | AMD   | 83-13-044 | 173-19-2521 | AMD   | 83-07-081 |
| 140-12-030 | NEW-P | 83-02-054 | 154-12-105  | NEW-E | 83-09-020 | 173-19-2521 | AMD-P | 83-09-052 |
| 140-12-030 | NEW   | 83-06-035 | 154-12-105  | NEW-P | 83-09-021 | 173-19-2521 | AMD-P | 83-11-047 |
| 140-12-040 | NEW-P | 83-02-054 | 154-12-105  | NEW-C | 83-10-050 | 173-19-2521 | AMD-C | 83-12-016 |
| 140-12-040 | NEW   | 83-06-035 | 154-12-105  | NEW   | 83-13-044 | 173-19-2521 | AMD   | 83-13-029 |
| 140-12-050 | NEW-P | 83-02-054 | 154-12-110  | AMD-E | 83-09-020 | 173-19-2521 | AMD-C | 83-14-011 |
| 140-12-050 | NEW   | 83-06-035 | 154-12-110  | AMD-P | 83-09-021 | 173-19-2521 | AMD   | 83-15-014 |
| 140-12-060 | NEW-P | 83-02-054 | 154-12-110  | AMD-C | 83-10-050 | 173-19-2521 | AMD-P | 83-17-114 |
| 140-12-060 | NEW   | 83-06-035 | 154-12-110  | AMD   | 83-13-044 | 173-19-260  | AMD-C | 83-03-067 |
| 140-12-070 | NEW-P | 83-02-054 | 154-16-010  | AMD-E | 83-09-020 | 173-19-260  | AMD   | 83-08-002 |
| 140-12-070 | NEW   | 83-06-035 | 154-16-010  | AMD-P | 83-09-021 | 173-19-3508 | AMD-P | 83-08-072 |
| 140-12-080 | NEW-P | 83-02-054 | 154-16-010  | AMD-C | 83-10-050 | 173-19-3508 | AMD   | 83-12-017 |
| 140-12-080 | NEW   | 83-06-035 | 154-16-010  | AMD   | 83-13-044 | 173-19-3514 | AMD-P | 83-08-072 |
| 140-12-090 | NEW-P | 83-02-054 | 154-16-020  | AMD-E | 83-09-020 | 173-19-3514 | AMD   | 83-12-018 |
| 140-12-090 | NEW   | 83-06-035 | 154-16-020  | AMD-P | 83-09-021 | 173-19-370  | AMD-P | 83-02-065 |
| 140-12-100 | NEW-P | 83-02-054 | 154-16-020  | AMD-C | 83-10-050 | 173-19-370  | AMD   | 83-07-082 |
| 140-12-100 | NEW   | 83-06-035 | 154-16-020  | AMD   | 83-13-044 | 173-19-3701 | AMD-P | 83-17-115 |
| 140-12-110 | NEW-P | 83-02-054 | 154-20-010  | AMD-E | 83-09-020 | 173-19-390  | AMD-P | 83-13-119 |
| 140-12-110 | NEW   | 83-06-035 | 154-20-010  | AMD-P | 83-09-021 | 173-19-4005 | AMD-P | 83-02-065 |
| 142-30-010 | AMD-P | 83-04-048 | 154-20-010  | AMD-C | 83-10-050 | 173-19-4005 | AMD   | 83-07-083 |
| 142-30-010 | AMD-E | 83-08-018 | 154-20-010  | AMD   | 83-13-044 | 173-44      | NEW-C | 83-17-112 |
| 142-30-010 | AMD   | 83-08-019 | 154-20-020  | AMD-E | 83-09-020 | 173-44-010  | NEW-P | 83-15-044 |
| 154-04-010 | AMD-E | 83-09-020 | 154-20-020  | AMD-P | 83-09-021 | 173-44-020  | NEW-P | 83-15-044 |
| 154-04-010 | AMD-P | 83-09-021 | 154-20-020  | AMD-C | 83-10-050 | 173-44-030  | NEW-P | 83-15-044 |
| 154-04-010 | AMD-C | 83-10-050 | 154-20-020  | AMD   | 83-13-044 | 173-44-040  | NEW-P | 83-15-044 |
| 154-04-010 | AMD   | 83-13-044 | 154-48-010  | AMD-E | 83-09-020 | 173-44-050  | NEW-P | 83-15-044 |
| 154-04-035 | NEW-E | 83-09-020 | 154-48-010  | AMD-P | 83-09-021 | 173-44-060  | NEW-P | 83-15-044 |
| 154-04-035 | NEW-P | 83-09-021 | 154-48-010  | AMD-C | 83-10-050 | 173-44-070  | NEW-P | 83-15-044 |
| 154-04-035 | NEW-C | 83-10-050 | 154-48-010  | AMD   | 83-13-044 | 173-60-020  | AMD   | 83-15-046 |
| 154-04-035 | NEW   | 83-13-044 | 154-68-020  | AMD-E | 83-09-020 | 173-60-050  | AMD   | 83-15-046 |
| 154-04-040 | AMD-E | 83-09-020 | 154-68-020  | AMD-P | 83-09-021 | 173-134-010 | REP-P | 83-07-079 |
| 154-04-040 | AMD-P | 83-09-021 | 154-68-020  | AMD-C | 83-10-050 | 173-134-010 | REP   | 83-12-060 |
| 154-04-040 | AMD-C | 83-10-050 | 154-68-020  | AMD   | 83-13-044 | 173-134-020 | REP-P | 83-07-079 |
| 154-04-040 | AMD   | 83-13-044 | 167-04-010  | REP   | 83-06-052 | 173-134-020 | REP   | 83-12-060 |
| 154-04-050 | AMD-E | 83-09-020 | 167-04-030  | REP   | 83-06-052 | 173-134-030 | REP-P | 83-07-079 |
| 154-04-050 | AMD-P | 83-09-021 | 167-04-050  | REP   | 83-06-052 | 173-134-030 | REP   | 83-12-060 |
| 154-04-050 | AMD-C | 83-10-050 | 167-06-010  | REP   | 83-06-052 | 173-134-040 | REP-P | 83-07-079 |
| 154-04-050 | AMD   | 83-13-044 | 167-06-020  | REP   | 83-06-052 | 173-134-040 | REP   | 83-12-060 |
| 154-04-070 | AMD-E | 83-09-020 | 167-08-010  | REP   | 83-06-052 | 173-134-050 | REP-P | 83-07-079 |
| 154-04-070 | AMD-P | 83-09-021 | 172-129-010 | REP-P | 83-14-021 | 173-134-050 | REP   | 83-12-060 |
| 154-04-070 | AMD-C | 83-10-050 | 172-129-020 | REP-P | 83-14-021 | 173-134-055 | REP-P | 83-07-079 |
| 154-04-070 | AMD   | 83-13-044 | 172-129-030 | REP-P | 83-14-021 | 173-134-055 | REP   | 83-12-060 |
| 154-04-075 | NEW-E | 83-09-020 | 172-129-031 | REP-P | 83-14-021 | 173-134-060 | REP-P | 83-07-079 |
| 154-04-075 | NEW-P | 83-09-021 | 172-129-035 | REP-P | 83-14-021 | 173-134-060 | REP   | 83-12-060 |
| 154-04-075 | NEW-C | 83-10-050 | 172-129-036 | REP-P | 83-14-021 | 173-134-070 | REP-P | 83-07-079 |
| 154-04-075 | NEW   | 83-13-044 | 172-129-037 | REP-P | 83-14-021 | 173-134-070 | REP   | 83-12-060 |
| 154-04-090 | AMD-E | 83-09-020 | 172-129-040 | REP-P | 83-14-021 | 173-134-070 | REP-P | 83-07-079 |
| 154-04-090 | AMD-P | 83-09-021 | 172-129-050 | REP-P | 83-14-021 | 173-134-080 | REP   | 83-12-060 |
| 154-04-090 | AMD-C | 83-10-050 | 172-129-060 | REP-P | 83-14-021 | 173-134-085 | REP-P | 83-07-079 |
| 154-04-090 | AMD   | 83-13-044 | 172-129-070 | REP-P | 83-14-021 | 173-134-085 | REP   | 83-12-060 |
| 154-04-100 | AMD-E | 83-09-020 | 172-129-080 | REP-P | 83-14-021 | 173-134-090 | REP-P | 83-07-079 |
| 154-04-100 | AMD-P | 83-09-021 | 172-129-090 | REP-P | 83-14-021 | 173-134-090 | REP   | 83-12-060 |

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| 173-134-100  | REP    | 83-12-060 | 173-240-105 | REP-P  | 83-17-134 | 173-403-050 | NEW-P  | 83-03-070 |
| 173-134-110  | REP-P  | 83-07-079 | 173-240-110 | AMD-P  | 83-17-134 | 173-403-050 | NEW    | 83-09-013 |
| 173-134-110  | REP    | 83-12-060 | 173-240-120 | AMD-P  | 83-17-134 | 173-403-050 | AMD-P  | 83-13-118 |
| 173-134-120  | REP-P  | 83-07-079 | 173-240-130 | AMD-P  | 83-17-134 | 173-403-060 | NEW-P  | 83-13-118 |
| 173-134-120  | REP    | 83-12-060 | 173-240-140 | AMD-P  | 83-17-134 | 173-403-070 | NEW-P  | 83-13-118 |
| 173-134-130  | REP-P  | 83-07-079 | 173-240-150 | AMD-P  | 83-17-134 | 173-403-075 | NEW-P  | 83-13-118 |
| 173-134-130  | REP    | 83-12-060 | 173-240-160 | AMD-P  | 83-17-134 | 173-403-080 | NEW-P  | 83-13-118 |
| 173-134-140  | REP-P  | 83-07-079 | 173-240-170 | AMD-P  | 83-17-134 | 173-403-090 | NEW-P  | 83-13-118 |
| 173-134-140  | REP    | 83-12-060 | 173-240-180 | AMD-P  | 83-17-134 | 173-403-100 | NEW-P  | 83-03-070 |
| 173-134-160  | REP-P  | 83-07-079 | 173-301     | AMD-C  | 83-03-068 | 173-403-100 | NEW    | 83-09-013 |
| 173-134-160  | REP    | 83-12-060 | 173-301     | AMD    | 83-09-017 | 173-403-110 | NEW-P  | 83-03-070 |
| 173-134A-010 | NEW-P  | 83-07-079 | 173-301     | REVIEW | 83-13-028 | 173-403-110 | NEW    | 83-09-013 |
| 173-134A-010 | NEW    | 83-12-060 | 173-301-110 | AMD    | 83-09-017 | 173-403-110 | AMD-P  | 83-13-118 |
| 173-134A-020 | NEW-P  | 83-07-079 | 173-301-180 | AMD    | 83-09-017 | 173-403-120 | NEW-P  | 83-03-070 |
| 173-134A-020 | NEW    | 83-12-060 | 173-301-181 | AMD    | 83-09-017 | 173-403-120 | NEW    | 83-09-013 |
| 173-134A-030 | NEW-P  | 83-07-079 | 173-301-320 | NEW    | 83-09-017 | 173-403-130 | NEW-P  | 83-03-070 |
| 173-134A-030 | NEW    | 83-12-060 | 173-303     | REVIEW | 83-13-028 | 173-403-130 | NEW    | 83-09-013 |
| 173-134A-040 | NEW-P  | 83-07-079 | 173-310     | REVIEW | 83-13-028 | 173-403-140 | NEW-P  | 83-03-070 |
| 173-134A-040 | NEW    | 83-12-060 | 173-320-010 | NEW    | 83-12-062 | 173-403-140 | NEW    | 83-09-013 |
| 173-134A-050 | NEW-P  | 83-07-079 | 173-320-020 | NEW    | 83-12-062 | 173-403-150 | NEW-P  | 83-03-070 |
| 173-134A-050 | NEW    | 83-12-060 | 173-320-030 | NEW    | 83-12-062 | 173-403-150 | NEW    | 83-09-013 |
| 173-134A-060 | NEW-P  | 83-07-079 | 173-320-040 | NEW    | 83-12-062 | 173-403-160 | NEW-P  | 83-03-070 |
| 173-134A-060 | NEW    | 83-12-060 | 173-320-050 | NEW    | 83-12-062 | 173-403-160 | NEW    | 83-09-013 |
| 173-134A-070 | NEW-P  | 83-07-079 | 173-320-060 | NEW    | 83-12-062 | 173-403-170 | NEW-P  | 83-03-070 |
| 173-134A-070 | NEW    | 83-12-060 | 173-320-070 | NEW    | 83-12-062 | 173-403-170 | NEW    | 83-09-013 |
| 173-134A-080 | NEW-P  | 83-07-079 | 173-320-080 | NEW    | 83-12-062 | 173-403-180 | NEW-P  | 83-03-070 |
| 173-134A-080 | NEW    | 83-12-060 | 173-400     | REVIEW | 83-13-028 | 173-403-180 | NEW    | 83-09-013 |
| 173-134A-090 | NEW-P  | 83-07-079 | 173-400-010 | AMD-P  | 83-03-070 | 173-403-190 | NEW-P  | 83-03-070 |
| 173-134A-090 | NEW    | 83-12-060 | 173-400-010 | AMD    | 83-09-036 | 173-403-190 | NEW    | 83-09-013 |
| 173-134A-100 | NEW-P  | 83-07-079 | 173-400-020 | AMD-P  | 83-03-070 | 173-405     | REVIEW | 83-13-028 |
| 173-134A-100 | NEW    | 83-12-060 | 173-400-020 | AMD    | 83-09-036 | 173-405     | AMD-C  | 83-16-020 |
| 173-134A-110 | NEW-P  | 83-07-079 | 173-400-030 | AMD-P  | 83-03-070 | 173-405-021 | AMD-P  | 83-03-070 |
| 173-134A-110 | NEW    | 83-12-060 | 173-400-030 | AMD    | 83-09-036 | 173-405-021 | AMD    | 83-09-036 |
| 173-134A-120 | NEW-P  | 83-07-079 | 173-400-040 | AMD-P  | 83-03-070 | 173-405-033 | AMD-P  | 83-03-070 |
| 173-134A-120 | NEW    | 83-12-060 | 173-400-040 | AMD    | 83-09-036 | 173-405-033 | AMD    | 83-09-036 |
| 173-134A-130 | NEW-P  | 83-07-079 | 173-400-050 | AMD-P  | 83-03-070 | 173-405-035 | NEW-P  | 83-13-118 |
| 173-134A-130 | NEW    | 83-12-060 | 173-400-050 | AMD    | 83-09-036 | 173-405-040 | AMD-P  | 83-03-070 |
| 173-134A-140 | NEW-P  | 83-07-079 | 173-400-060 | AMD-P  | 83-03-070 | 173-405-040 | AMD    | 83-09-036 |
| 173-134A-140 | NEW    | 83-12-060 | 173-400-060 | AMD    | 83-09-036 | 173-405-061 | AMD-P  | 83-03-070 |
| 173-134A-150 | NEW-P  | 83-07-079 | 173-400-070 | AMD-P  | 83-03-070 | 173-405-061 | AMD    | 83-09-036 |
| 173-134A-150 | NEW    | 83-12-060 | 173-400-070 | AMD    | 83-09-036 | 173-405-077 | AMD-P  | 83-03-070 |
| 173-134A-160 | NEW-P  | 83-07-079 | 173-400-075 | AMD-P  | 83-03-070 | 173-405-077 | AMD    | 83-09-036 |
| 173-134A-160 | NEW    | 83-12-060 | 173-400-075 | AMD    | 83-09-036 | 173-405-078 | AMD-P  | 83-03-070 |
| 173-134A-170 | NEW-P  | 83-07-079 | 173-400-080 | REP-P  | 83-03-070 | 173-405-078 | AMD    | 83-09-036 |
| 173-134A-170 | NEW    | 83-12-060 | 173-400-080 | REP    | 83-09-036 | 173-405-086 | AMD-P  | 83-03-070 |
| 173-202-020  | AMD    | 83-15-045 | 173-400-090 | REP-P  | 83-03-070 | 173-405-086 | AMD    | 83-09-036 |
| 173-216-010  | NEW-P  | 83-17-111 | 173-400-090 | REP    | 83-09-036 | 173-405-090 | REP-P  | 83-03-070 |
| 173-216-020  | NEW-P  | 83-17-111 | 173-400-100 | AMD-P  | 83-03-070 | 173-405-090 | REP    | 83-09-036 |
| 173-216-030  | NEW-P  | 83-17-111 | 173-400-100 | AMD    | 83-09-036 | 173-405-101 | REP-P  | 83-03-070 |
| 173-216-040  | NEW-P  | 83-17-111 | 173-400-110 | AMD-P  | 83-03-070 | 173-405-101 | REP    | 83-09-036 |
| 173-216-050  | NEW-P  | 83-17-111 | 173-400-110 | AMD    | 83-09-036 | 173-410     | REVIEW | 83-13-028 |
| 173-216-060  | NEW-P  | 83-17-111 | 173-400-115 | AMD-P  | 83-03-070 | 173-410     | AMD-C  | 83-16-020 |
| 173-216-070  | NEW-P  | 83-17-111 | 173-400-115 | AMD    | 83-09-036 | 173-410-021 | AMD-P  | 83-03-070 |
| 173-216-080  | NEW-P  | 83-17-111 | 173-400-120 | AMD-P  | 83-03-070 | 173-410-021 | AMD    | 83-09-036 |
| 173-216-090  | NEW-P  | 83-17-111 | 173-400-120 | AMD    | 83-09-036 | 173-410-035 | NEW-P  | 83-13-118 |
| 173-216-100  | NEW-P  | 83-17-111 | 173-400-130 | REP-P  | 83-03-070 | 173-410-040 | AMD-P  | 83-03-070 |
| 173-216-110  | NEW-P  | 83-17-111 | 173-400-130 | REP    | 83-09-036 | 173-410-040 | AMD    | 83-09-036 |
| 173-216-120  | NEW-P  | 83-17-111 | 173-400-135 | REP-P  | 83-03-070 | 173-410-067 | AMD-P  | 83-03-070 |
| 173-216-130  | NEW-P  | 83-17-111 | 173-400-135 | REP    | 83-09-036 | 173-410-067 | AMD    | 83-09-036 |
| 173-216-140  | NEW-P  | 83-17-111 | 173-400-140 | REP-P  | 83-03-070 | 173-410-071 | AMD-P  | 83-03-070 |
| 173-220      | REVIEW | 83-13-028 | 173-400-140 | REP    | 83-09-036 | 173-410-071 | AMD    | 83-09-036 |
| 173-220-090  | AMD-P  | 83-07-078 | 173-400-150 | REP-P  | 83-03-070 | 173-410-086 | AMD-P  | 83-03-070 |
| 173-220-090  | AMD    | 83-10-063 | 173-400-150 | REP    | 83-09-036 | 173-410-086 | AMD    | 83-09-036 |
| 173-240-010  | AMD-P  | 83-17-134 | 173-400-160 | REP-P  | 83-03-070 | 173-410-090 | REP-P  | 83-03-070 |
| 173-240-020  | AMD-P  | 83-17-134 | 173-400-160 | REP    | 83-09-036 | 173-410-090 | REP    | 83-09-036 |
| 173-240-030  | AMD-P  | 83-17-134 | 173-400-170 | REP-P  | 83-03-070 | 173-410-091 | REP-P  | 83-03-070 |
| 173-240-035  | NEW-P  | 83-17-134 | 173-400-170 | REP    | 83-09-036 | 173-410-091 | REP    | 83-09-036 |
| 173-240-040  | AMD-P  | 83-17-134 | 173-402     | REVIEW | 83-13-028 | 173-415     | REVIEW | 83-13-028 |
| 173-240-050  | AMD-P  | 83-17-134 | 173-403     | REVIEW | 83-13-028 | 173-415-020 | AMD-P  | 83-03-070 |
| 173-240-060  | AMD-P  | 83-17-134 | 173-403     | AMD-C  | 83-16-020 | 173-415-020 | AMD    | 83-09-036 |
| 173-240-070  | AMD-P  | 83-17-134 | 173-403-010 | NEW-P  | 83-03-070 | 173-415-030 | AMD-P  | 83-03-070 |
| 173-240-075  | NEW-P  | 83-17-134 | 173-403-010 | NEW    | 83-09-013 | 173-415-030 | AMD    | 83-09-036 |
| 173-240-080  | AMD-P  | 83-17-134 | 173-403-020 | NEW-P  | 83-03-070 | 173-415-050 | AMD-P  | 83-03-070 |
| 173-240-090  | AMD-P  | 83-17-134 | 173-403-020 | NEW    | 83-09-013 | 173-415-050 | AMD    | 83-09-036 |
| 173-240-095  | NEW-P  | 83-17-134 | 173-403-030 | NEW-P  | 83-03-070 | 173-415-070 | AMD-P  | 83-03-070 |
| 173-240-100  | AMD-P  | 83-17-134 | 173-403-030 | NEW    | 83-09-013 | 173-415-070 | AMD    | 83-09-036 |

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| WAC #       | WSR #  | WAC #     | WSR #         | WAC # | WSR #     |             |       |           |
|-------------|--------|-----------|---------------|-------|-----------|-------------|-------|-----------|
| 173-415-080 | AMD-P  | 83-03-070 | 174-107-310   | NEW   | 83-16-009 | 174-116-042 | NEW-P | 83-16-083 |
| 173-415-080 | AMD    | 83-09-036 | 174-107-320   | NEW-P | 83-11-018 | 174-116-043 | NEW-P | 83-16-083 |
| 173-415-090 | REP-P  | 83-03-070 | 174-107-320   | NEW   | 83-16-009 | 174-116-044 | NEW-P | 83-16-083 |
| 173-415-090 | REP    | 83-09-036 | 174-107-330   | NEW-P | 83-11-018 | 174-116-045 | NEW-P | 83-16-083 |
| 173-490     | REVIEW | 83-13-028 | 174-107-330   | NEW   | 83-16-009 | 174-116-046 | NEW-P | 83-16-083 |
| 173-508     | REVIEW | 83-13-028 | 174-107-340   | NEW-P | 83-11-018 | 174-116-050 | AMD-P | 83-16-083 |
| 173-509     | REVIEW | 83-13-028 | 174-107-340   | NEW   | 83-16-009 | 174-116-060 | AMD-P | 83-16-083 |
| 173-510     | REVIEW | 83-13-028 | 174-107-350   | NEW-P | 83-11-018 | 174-116-070 | AMD-P | 83-16-083 |
| 173-512     | REVIEW | 83-13-028 | 174-107-350   | NEW   | 83-16-009 | 174-116-071 | NEW-P | 83-16-083 |
| 173-513     | REVIEW | 83-13-028 | 174-107-360   | NEW-P | 83-11-018 | 174-116-072 | NEW-P | 83-16-083 |
| 173-531A    | REVIEW | 83-13-028 | 174-107-360   | NEW   | 83-16-009 | 174-116-080 | AMD-P | 83-16-083 |
| 173-545     | NEW-C  | 83-10-062 | 174-107-370   | NEW-P | 83-11-018 | 174-116-090 | REP-P | 83-16-083 |
| 173-545-010 | NEW-P  | 83-09-053 | 174-107-370   | NEW   | 83-16-009 | 174-116-091 | NEW-P | 83-16-083 |
| 173-545-010 | NEW    | 83-13-016 | 174-107-380   | NEW-P | 83-11-018 | 174-116-092 | NEW-P | 83-16-083 |
| 173-545-020 | NEW-P  | 83-09-053 | 174-107-380   | NEW   | 83-16-009 | 174-116-105 | REP-P | 83-16-083 |
| 173-545-020 | NEW    | 83-13-016 | 174-107-400   | NEW-P | 83-11-018 | 174-116-115 | REP-P | 83-16-083 |
| 173-545-030 | NEW-P  | 83-09-053 | 174-107-400   | NEW   | 83-16-009 | 174-116-119 | NEW-P | 83-16-083 |
| 173-545-030 | NEW    | 83-13-016 | 174-107-410   | NEW-P | 83-11-018 | 174-116-121 | NEW-P | 83-16-083 |
| 173-545-040 | NEW-P  | 83-09-053 | 174-107-410   | NEW   | 83-16-009 | 174-116-122 | NEW-P | 83-16-083 |
| 173-545-040 | NEW    | 83-13-016 | 174-107-420   | NEW-P | 83-11-018 | 174-116-123 | NEW-P | 83-16-083 |
| 173-545-050 | NEW-P  | 83-09-053 | 174-107-420   | NEW   | 83-16-009 | 174-116-124 | NEW-P | 83-16-083 |
| 173-545-050 | NEW    | 83-13-016 | 174-107-430   | NEW-P | 83-11-018 | 174-116-125 | AMD-P | 83-16-083 |
| 173-545-060 | NEW-P  | 83-09-053 | 174-107-430   | NEW   | 83-16-009 | 174-116-126 | NEW-P | 83-16-083 |
| 173-545-060 | NEW    | 83-13-016 | 174-107-440   | NEW-P | 83-11-018 | 174-116-127 | NEW-P | 83-16-083 |
| 173-545-070 | NEW-P  | 83-09-053 | 174-107-440   | NEW   | 83-16-009 | 174-116-135 | REP-P | 83-16-083 |
| 173-545-070 | NEW    | 83-13-016 | 174-107-450   | NEW-P | 83-11-018 | 174-116-140 | REP-P | 83-16-083 |
| 173-545-080 | NEW-P  | 83-09-053 | 174-107-450   | NEW   | 83-16-009 | 174-116-150 | REP-P | 83-16-083 |
| 173-545-080 | NEW    | 83-13-016 | 174-107-460   | NEW-P | 83-11-018 | 174-116-160 | REP-P | 83-16-083 |
| 173-545-090 | NEW-P  | 83-09-053 | 174-107-460   | NEW   | 83-16-009 | 174-116-170 | REP-P | 83-16-083 |
| 173-545-090 | NEW    | 83-13-016 | 174-107-470   | NEW-P | 83-11-018 | 174-116-180 | REP-P | 83-16-083 |
| 173-545-100 | NEW-P  | 83-09-053 | 174-107-470   | NEW   | 83-16-009 | 174-116-260 | NEW-P | 83-16-083 |
| 173-545-100 | NEW    | 83-13-016 | 174-107-500   | NEW-P | 83-11-018 | 174-124-020 | REP-P | 83-16-022 |
| 173-563     | REVIEW | 83-13-028 | 174-107-500   | NEW   | 83-16-009 | 174-124-030 | REP-P | 83-16-022 |
| 173-801     | REVIEW | 83-13-028 | 174-107-510   | NEW-P | 83-11-018 | 174-124-040 | REP-P | 83-16-022 |
| 174-107-100 | NEW-P  | 83-11-018 | 174-107-510   | NEW   | 83-16-009 | 174-124-050 | REP-P | 83-16-022 |
| 174-107-100 | NEW    | 83-16-009 | 174-107-520   | NEW-P | 83-11-018 | 174-124-120 | REP-P | 83-16-022 |
| 174-107-110 | NEW-P  | 83-11-018 | 174-107-520   | NEW   | 83-16-009 | 174-136-015 | AMD   | 83-05-034 |
| 174-107-110 | NEW    | 83-16-009 | 174-107-530   | NEW-P | 83-11-018 | 174-136-016 | AMD   | 83-05-034 |
| 174-107-120 | NEW-P  | 83-11-018 | 174-107-530   | NEW   | 83-16-009 | 174-136-018 | AMD   | 83-05-034 |
| 174-107-120 | NEW    | 83-16-009 | 174-107-540   | NEW-P | 83-11-018 | 174-136-019 | AMD   | 83-05-034 |
| 174-107-130 | NEW-P  | 83-11-018 | 174-107-540   | NEW   | 83-16-009 | 174-148-010 | REP-P | 83-17-137 |
| 174-107-130 | NEW    | 83-16-009 | 174-107-550   | NEW-P | 83-11-018 | 174-148-015 | REP-P | 83-17-137 |
| 174-107-140 | NEW-P  | 83-11-018 | 174-107-550   | NEW   | 83-16-009 | 174-148-030 | REP-P | 83-17-137 |
| 174-107-140 | NEW    | 83-16-009 | 174-108-010   | REP-P | 83-16-022 | 174-148-040 | REP-P | 83-17-137 |
| 174-107-150 | NEW-P  | 83-11-018 | 174-108-020   | REP-P | 83-16-022 | 174-148-050 | REP-P | 83-17-137 |
| 174-107-150 | NEW    | 83-16-009 | 174-108-030   | REP-P | 83-16-022 | 174-148-060 | REP-P | 83-17-137 |
| 174-107-160 | NEW-P  | 83-11-018 | 174-108-041   | REP-P | 83-16-022 | 174-148-070 | REP-P | 83-17-137 |
| 174-107-160 | NEW    | 83-16-009 | 174-108-051   | REP-P | 83-16-022 | 174-148-080 | REP-P | 83-17-137 |
| 174-107-170 | NEW-P  | 83-11-018 | 174-108-06001 | REP-P | 83-16-022 | 174-148-085 | REP-P | 83-17-137 |
| 174-107-170 | NEW    | 83-16-009 | 174-108-06003 | REP-P | 83-16-022 | 174-148-090 | REP-P | 83-17-137 |
| 174-107-180 | NEW-P  | 83-11-018 | 174-108-06005 | REP-P | 83-16-022 | 174-148-100 | REP-P | 83-17-137 |
| 174-107-180 | NEW    | 83-16-009 | 174-108-06007 | REP-P | 83-16-022 | 174-148-110 | REP-P | 83-17-137 |
| 174-107-190 | NEW-P  | 83-11-018 | 174-108-06009 | REP-P | 83-16-022 | 174-148-120 | REP-P | 83-17-137 |
| 174-107-190 | NEW    | 83-16-009 | 174-108-06011 | REP-P | 83-16-022 | 174-162-300 | AMD-P | 83-08-004 |
| 174-107-200 | NEW-P  | 83-11-018 | 174-108-07001 | REP-P | 83-16-022 | 174-162-300 | AMD   | 83-12-001 |
| 174-107-200 | NEW    | 83-16-009 | 174-109-010   | NEW-P | 83-17-137 | 174-162-305 | AMD-P | 83-08-004 |
| 174-107-210 | NEW-P  | 83-11-018 | 174-109-020   | NEW-P | 83-17-137 | 174-162-305 | AMD   | 83-12-001 |
| 174-107-210 | NEW    | 83-16-009 | 174-109-030   | NEW-P | 83-17-137 | 180-08-003  | NEW-P | 83-17-124 |
| 174-107-220 | NEW-P  | 83-11-018 | 174-109-040   | NEW-P | 83-17-137 | 180-08-005  | AMD-P | 83-17-124 |
| 174-107-220 | NEW    | 83-16-009 | 174-109-050   | NEW-P | 83-17-137 | 180-10-003  | AMD-P | 83-05-038 |
| 174-107-230 | NEW-P  | 83-11-018 | 174-109-060   | NEW-P | 83-17-137 | 180-10-003  | AMD   | 83-08-016 |
| 174-107-230 | NEW    | 83-16-009 | 174-109-070   | NEW-P | 83-17-137 | 180-16-166  | REP-C | 83-05-023 |
| 174-107-240 | NEW-P  | 83-11-018 | 174-109-080   | NEW-P | 83-17-137 | 180-16-166  | REP-C | 83-08-042 |
| 174-107-240 | NEW    | 83-16-009 | 174-109-090   | NEW-P | 83-17-137 | 180-16-166  | REP   | 83-13-004 |
| 174-107-250 | NEW-P  | 83-11-018 | 174-109-100   | NEW-P | 83-17-137 | 180-16-195  | AMD-P | 83-08-043 |
| 174-107-250 | NEW    | 83-16-009 | 174-109-200   | NEW-P | 83-17-137 | 180-16-195  | AMD   | 83-13-002 |
| 174-107-260 | NEW-P  | 83-11-018 | 174-109-300   | NEW-P | 83-17-137 | 180-16-225  | AMD-P | 83-08-043 |
| 174-107-260 | NEW    | 83-16-009 | 174-109-400   | NEW-P | 83-17-137 | 180-16-225  | AMD   | 83-13-002 |
| 174-107-270 | NEW-P  | 83-11-018 | 174-109-500   | NEW-P | 83-17-137 | 180-22-250  | AMD-P | 83-13-097 |
| 174-107-270 | NEW    | 83-16-009 | 174-109-600   | NEW-P | 83-17-137 | 180-22-255  | AMD-P | 83-13-097 |
| 174-107-280 | NEW-P  | 83-11-018 | 174-116       | AMD-P | 83-16-083 | 180-22-265  | AMD-P | 83-13-097 |
| 174-107-280 | NEW    | 83-16-009 | 174-116-010   | AMD-P | 83-16-083 | 180-22-270  | AMD-P | 83-13-097 |
| 174-107-290 | NEW-P  | 83-11-018 | 174-116-011   | NEW-P | 83-16-083 | 180-22-275  | AMD-P | 83-13-097 |
| 174-107-290 | NEW    | 83-16-009 | 174-116-020   | AMD-P | 83-16-083 | 180-22-285  | AMD-P | 83-13-097 |
| 174-107-300 | NEW-P  | 83-11-018 | 174-116-030   | AMD-P | 83-16-083 | 180-22-290  | AMD-P | 83-13-097 |
| 174-107-300 | NEW    | 83-16-009 | 174-116-040   | AMD-P | 83-16-083 | 180-22-295  | AMD-P | 83-13-097 |
| 174-107-310 | NEW-P  | 83-11-018 | 174-116-041   | NEW-P | 83-16-083 | 180-25-005  | NEW-P | 83-17-125 |

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| 180-25-010 | NEW-P | 83-17-125 | 180-29-170  | NEW-P | 83-17-128 | 187-10-230 | REP-P | 83-06-054 |
| 180-25-015 | NEW-P | 83-17-125 | 180-30-003  | NEW-P | 83-17-129 | 187-10-240 | REP-P | 83-06-054 |
| 180-25-020 | NEW-P | 83-17-125 | 180-31-005  | NEW-P | 83-17-130 | 187-10-250 | REP-P | 83-06-054 |
| 180-25-025 | NEW-P | 83-17-125 | 180-31-010  | NEW-P | 83-17-130 | 187-10-260 | REP-P | 83-06-054 |
| 180-25-030 | NEW-P | 83-17-125 | 180-31-015  | NEW-P | 83-17-130 | 187-10-270 | REP-P | 83-06-054 |
| 180-25-035 | NEW-P | 83-17-125 | 180-31-020  | NEW-P | 83-17-130 | 187-10-280 | REP-P | 83-06-054 |
| 180-25-040 | NEW-P | 83-17-125 | 180-31-025  | NEW-P | 83-17-130 | 187-10-290 | REP-P | 83-06-054 |
| 180-25-045 | NEW-P | 83-17-125 | 180-31-030  | NEW-P | 83-17-130 | 187-10-300 | REP-P | 83-06-054 |
| 180-25-050 | NEW-P | 83-17-125 | 180-31-035  | NEW-P | 83-17-130 | 187-10-310 | REP-P | 83-06-054 |
| 180-26-005 | NEW-P | 83-17-126 | 180-31-040  | NEW-P | 83-17-130 | 187-10-320 | REP-P | 83-06-054 |
| 180-26-010 | NEW-P | 83-17-126 | 180-32-005  | NEW-P | 83-17-131 | 187-10-500 | REP-P | 83-06-054 |
| 180-26-015 | NEW-P | 83-17-126 | 180-32-010  | NEW-P | 83-17-131 | 194-16     | REP-C | 83-17-112 |
| 180-26-020 | NEW-P | 83-17-126 | 180-32-015  | NEW-P | 83-17-131 | 194-16-010 | REP-P | 83-15-044 |
| 180-26-025 | NEW-P | 83-17-126 | 180-32-020  | NEW-P | 83-17-131 | 194-16-020 | REP-P | 83-15-044 |
| 180-26-030 | NEW-P | 83-17-126 | 180-32-025  | NEW-P | 83-17-131 | 194-16-030 | REP-P | 83-15-044 |
| 180-26-035 | NEW-P | 83-17-126 | 180-32-030  | NEW-P | 83-17-131 | 194-16-040 | REP-P | 83-15-044 |
| 180-26-040 | NEW-P | 83-17-126 | 180-32-035  | NEW-P | 83-17-131 | 194-16-050 | REP-P | 83-15-044 |
| 180-27-005 | NEW-P | 83-17-127 | 180-32-040  | NEW-P | 83-17-131 | 194-16-060 | REP-P | 83-15-044 |
| 180-27-010 | NEW-P | 83-17-127 | 180-32-045  | NEW-P | 83-17-131 | 194-16-070 | REP-P | 83-15-044 |
| 180-27-015 | NEW-P | 83-17-127 | 180-32-050  | NEW-P | 83-17-131 | 197-10-010 | REP-P | 83-17-116 |
| 180-27-020 | NEW-P | 83-17-127 | 180-32-055  | NEW-P | 83-17-131 | 197-10-020 | REP-P | 83-17-116 |
| 180-27-025 | NEW-P | 83-17-127 | 180-32-060  | NEW-P | 83-17-131 | 197-10-025 | REP-P | 83-17-116 |
| 180-27-030 | NEW-P | 83-17-127 | 180-32-065  | NEW-P | 83-17-131 | 197-10-030 | REP-P | 83-17-116 |
| 180-27-035 | NEW-P | 83-17-127 | 180-32-070  | NEW-P | 83-17-131 | 197-10-040 | REP-P | 83-17-116 |
| 180-27-040 | NEW-P | 83-17-127 | 180-33-005  | AMD-P | 83-17-132 | 197-10-050 | REP-P | 83-17-116 |
| 180-27-045 | NEW-P | 83-17-127 | 180-33-007  | NEW-P | 83-17-132 | 197-10-055 | REP-P | 83-17-116 |
| 180-27-050 | NEW-P | 83-17-127 | 180-33-010  | AMD-P | 83-17-132 | 197-10-060 | REP-P | 83-17-116 |
| 180-27-055 | NEW-P | 83-17-127 | 180-33-015  | AMD-P | 83-17-132 | 197-10-100 | REP-P | 83-17-116 |
| 180-27-057 | NEW-P | 83-17-127 | 180-33-020  | AMD-P | 83-17-132 | 197-10-150 | REP-P | 83-17-116 |
| 180-27-060 | NEW-P | 83-17-127 | 180-33-025  | AMD-P | 83-17-132 | 197-10-160 | REP-P | 83-17-116 |
| 180-27-065 | NEW-P | 83-17-127 | 180-33-030  | AMD-P | 83-17-132 | 197-10-170 | REP-P | 83-17-116 |
| 180-27-070 | NEW-P | 83-17-127 | 180-33-035  | AMD-P | 83-17-132 | 197-10-175 | REP-P | 83-17-116 |
| 180-27-075 | NEW-P | 83-17-127 | 180-33-040  | AMD-P | 83-17-132 | 197-10-177 | REP-P | 83-17-116 |
| 180-27-080 | NEW-P | 83-17-127 | 180-33-045  | AMD-P | 83-17-132 | 197-10-180 | REP-P | 83-17-116 |
| 180-27-085 | NEW-P | 83-17-127 | 180-33-050  | AMD-P | 83-17-132 | 197-10-190 | REP-P | 83-17-116 |
| 180-27-090 | NEW-P | 83-17-127 | 180-33-055  | AMD-P | 83-17-132 | 197-10-200 | REP-P | 83-17-116 |
| 180-27-095 | NEW-P | 83-17-127 | 180-33-060  | AMD-P | 83-17-132 | 197-10-203 | REP-P | 83-17-116 |
| 180-27-100 | NEW-P | 83-17-127 | 180-36-005  | AMD-P | 83-08-044 | 197-10-205 | REP-P | 83-17-116 |
| 180-27-105 | NEW-P | 83-17-127 | 180-36-005  | AMD   | 83-13-001 | 197-10-210 | REP-P | 83-17-116 |
| 180-27-110 | NEW-P | 83-17-127 | 180-39-005  | NEW   | 83-13-004 | 197-10-215 | REP-P | 83-17-116 |
| 180-27-115 | NEW-P | 83-17-127 | 180-39-010  | NEW   | 83-13-004 | 197-10-220 | REP-P | 83-17-116 |
| 180-27-120 | NEW-P | 83-17-127 | 180-39-015  | NEW   | 83-13-004 | 197-10-225 | REP-P | 83-17-116 |
| 180-27-125 | NEW-P | 83-17-127 | 180-39-020  | NEW   | 83-13-004 | 197-10-230 | REP-P | 83-17-116 |
| 180-29-005 | NEW-P | 83-17-128 | 180-39-025  | NEW   | 83-13-004 | 197-10-235 | REP-P | 83-17-116 |
| 180-29-010 | NEW-P | 83-17-128 | 180-39-030  | NEW   | 83-13-004 | 197-10-240 | REP-P | 83-17-116 |
| 180-29-015 | NEW-P | 83-17-128 | 180-39-035  | NEW   | 83-13-004 | 197-10-245 | REP-P | 83-17-116 |
| 180-29-020 | NEW-P | 83-17-128 | 180-42      | NEW-C | 83-05-023 | 197-10-260 | REP-P | 83-17-116 |
| 180-29-025 | NEW-P | 83-17-128 | 180-42      | NEW-C | 83-08-042 | 197-10-270 | REP-P | 83-17-116 |
| 180-29-030 | NEW-P | 83-17-128 | 180-42-005  | NEW-C | 83-08-042 | 197-10-300 | REP-P | 83-17-116 |
| 180-29-035 | NEW-P | 83-17-128 | 180-42-010  | NEW-C | 83-08-042 | 197-10-305 | REP-P | 83-17-116 |
| 180-29-040 | NEW-P | 83-17-128 | 180-42-015  | NEW-C | 83-08-042 | 197-10-310 | REP-P | 83-17-116 |
| 180-29-045 | NEW-P | 83-17-128 | 180-42-020  | NEW-C | 83-08-042 | 197-10-320 | REP-P | 83-17-116 |
| 180-29-050 | NEW-P | 83-17-128 | 180-42-025  | NEW-C | 83-08-042 | 197-10-330 | REP-P | 83-17-116 |
| 180-29-055 | NEW-P | 83-17-128 | 180-42-030  | NEW-C | 83-08-042 | 197-10-340 | REP-P | 83-17-116 |
| 180-29-060 | NEW-P | 83-17-128 | 180-42-035  | NEW-C | 83-08-042 | 197-10-345 | REP-P | 83-17-116 |
| 180-29-065 | NEW-P | 83-17-128 | 180-52-015  | AMD-P | 83-13-096 | 197-10-350 | REP-P | 83-17-116 |
| 180-29-070 | NEW-P | 83-17-128 | 180-52-015  | AMD   | 83-16-049 | 197-10-355 | REP-P | 83-17-116 |
| 180-29-075 | NEW-P | 83-17-128 | 180-52-040  | AMD-P | 83-13-096 | 197-10-360 | REP-P | 83-17-116 |
| 180-29-080 | NEW-P | 83-17-128 | 180-52-040  | AMD   | 83-16-049 | 197-10-365 | REP-P | 83-17-116 |
| 180-29-085 | NEW-P | 83-17-128 | 180-52-050  | AMD-P | 83-13-096 | 197-10-370 | REP-P | 83-17-116 |
| 180-29-090 | NEW-P | 83-17-128 | 180-52-050  | AMD   | 83-16-049 | 197-10-375 | REP-P | 83-17-116 |
| 180-29-095 | NEW-P | 83-17-128 | 180-52-060  | AMD-P | 83-13-096 | 197-10-380 | REP-P | 83-17-116 |
| 180-29-100 | NEW-P | 83-17-128 | 180-52-060  | AMD   | 83-16-049 | 197-10-390 | REP-P | 83-17-116 |
| 180-29-105 | NEW-P | 83-17-128 | 180-52-065  | AMD-P | 83-13-096 | 197-10-400 | REP-P | 83-17-116 |
| 180-29-107 | NEW-P | 83-17-128 | 180-52-065  | AMD   | 83-16-049 | 197-10-405 | REP-P | 83-17-116 |
| 180-29-110 | NEW-P | 83-17-128 | 180-56-023  | NEW-P | 83-08-061 | 197-10-410 | REP-P | 83-17-116 |
| 180-29-115 | NEW-P | 83-17-128 | 180-56-023  | NEW   | 83-13-005 | 197-10-420 | REP-P | 83-17-116 |
| 180-29-120 | NEW-P | 83-17-128 | 180-90-125  | NEW-P | 83-17-133 | 197-10-425 | REP-P | 83-17-116 |
| 180-29-125 | NEW-P | 83-17-128 | 180-90-160  | AMD-P | 83-17-133 | 197-10-440 | REP-P | 83-17-116 |
| 180-29-130 | NEW-P | 83-17-128 | 180-100-020 | REP-P | 83-08-045 | 197-10-442 | REP-P | 83-17-116 |
| 180-29-135 | NEW-P | 83-17-128 | 180-100-020 | REP   | 83-13-003 | 197-10-444 | REP-P | 83-17-116 |
| 180-29-140 | NEW-P | 83-17-128 | 182-08-160  | AMD-E | 83-13-106 | 197-10-446 | REP-P | 83-17-116 |
| 180-29-145 | NEW-P | 83-17-128 | 182-12-115  | AMD-E | 83-07-065 | 197-10-450 | REP-P | 83-17-116 |
| 180-29-150 | NEW-P | 83-17-128 | 182-12-115  | AMD-P | 83-08-017 | 197-10-455 | REP-P | 83-17-116 |
| 180-29-155 | NEW-P | 83-17-128 | 182-12-115  | AMD   | 83-12-007 | 197-10-460 | REP-P | 83-17-116 |
| 180-29-160 | NEW-P | 83-17-128 | 187-10-210  | REP-P | 83-06-054 | 197-10-465 | REP-P | 83-17-116 |
| 180-29-165 | NEW-P | 83-17-128 | 187-10-220  | REP-P | 83-06-054 | 197-10-470 | REP-P | 83-17-116 |





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| WAC #      | WSR #           | WAC #         | WSR #           | WAC #         | WSR #           |
|------------|-----------------|---------------|-----------------|---------------|-----------------|
| 204-90-140 | NEW 83-11-028   | 212-45-105    | NEW 83-06-022   | 220-36-02500B | NEW-E 83-14-094 |
| 204-92-010 | NEW-P 83-17-079 | 212-45-110    | NEW-P 83-03-027 | 220-36-02500C | NEW-E 83-17-038 |
| 204-92-020 | NEW-P 83-17-079 | 212-45-110    | NEW 83-06-022   | 220-40-021    | AMD-P 83-10-080 |
| 204-92-030 | NEW-P 83-17-079 | 212-45-115    | NEW-P 83-03-027 | 220-40-021    | AMD 83-13-054   |
| 204-92-040 | NEW-P 83-17-079 | 212-45-115    | NEW 83-06-022   | 220-40-022    | AMD-P 83-10-080 |
| 204-92-050 | NEW-P 83-17-079 | 220-20-01000I | NEW-E 83-13-027 | 220-40-022    | AMD 83-13-054   |
| 212-43-001 | NEW 83-03-028   | 220-24-02000T | NEW-E 83-10-022 | 220-40-024    | AMD-P 83-10-080 |
| 212-43-005 | NEW 83-03-028   | 220-24-02000T | REP-E 83-10-040 | 220-40-024    | AMD 83-13-054   |
| 212-43-010 | NEW 83-03-028   | 220-24-02000U | NEW-E 83-10-040 | 220-44-040    | AMD-P 83-07-069 |
| 212-43-015 | NEW 83-03-028   | 220-24-02000U | REP-E 83-14-037 | 220-44-040    | AMD 83-10-016   |
| 212-43-020 | NEW 83-03-028   | 220-24-02000V | NEW-E 83-14-037 | 220-44-04000A | REP-E 83-03-007 |
| 212-43-025 | NEW 83-03-028   | 220-24-02000V | REP-E 83-17-013 | 220-44-04000B | REP-E 83-03-007 |
| 212-43-030 | NEW 83-03-028   | 220-24-02000W | NEW-E 83-17-013 | 220-44-04000C | NEW-E 83-03-007 |
| 212-43-035 | NEW 83-03-028   | 220-24-02000W | REP-E 83-17-044 | 220-44-04000C | REP-E 83-06-032 |
| 212-43-040 | NEW 83-03-028   | 220-24-02000X | NEW-E 83-17-044 | 220-44-04000D | NEW-E 83-06-032 |
| 212-43-045 | NEW 83-03-028   | 220-28-003G0G | NEW-E 83-15-027 | 220-44-050    | NEW-P 83-07-069 |
| 212-43-050 | NEW 83-03-028   | 220-28-073E0F | NEW-E 83-07-070 | 220-44-050    | NEW 83-10-016   |
| 212-43-055 | NEW 83-03-028   | 220-28-073E0F | REP-E 83-11-015 | 220-44-050    | AMD-P 83-14-093 |
| 212-43-060 | NEW 83-03-028   | 220-28-301    | NEW-E 83-09-035 | 220-44-050    | AMD 83-17-030   |
| 212-43-065 | NEW 83-03-028   | 220-28-301    | REP-E 83-10-007 | 220-44-05000A | NEW-E 83-13-048 |
| 212-43-070 | NEW 83-03-028   | 220-28-302    | NEW-E 83-10-007 | 220-47-307    | AMD-P 83-11-039 |
| 212-43-075 | NEW 83-03-028   | 220-28-302    | REP-E 83-13-008 | 220-47-307    | AMD 83-14-020   |
| 212-43-080 | NEW 83-03-028   | 220-28-303    | NEW-E 83-13-008 | 220-47-311    | AMD-P 83-11-039 |
| 212-43-085 | NEW 83-03-028   | 220-28-303    | REP-E 83-14-064 | 220-47-311    | AMD 83-14-020   |
| 212-43-090 | NEW 83-03-028   | 220-28-304    | NEW-E 83-14-064 | 220-47-312    | AMD-P 83-11-039 |
| 212-43-095 | NEW 83-03-028   | 220-28-304    | REP-E 83-15-028 | 220-47-312    | AMD 83-14-020   |
| 212-43-100 | NEW 83-03-028   | 220-28-305    | NEW-E 83-15-028 | 220-47-313    | AMD-P 83-11-039 |
| 212-43-105 | NEW 83-03-028   | 220-28-305    | REP-E 83-16-012 | 220-47-313    | AMD 83-14-020   |
| 212-43-110 | NEW 83-03-028   | 220-28-306    | NEW-E 83-16-012 | 220-47-411    | AMD-P 83-11-039 |
| 212-43-115 | NEW 83-03-028   | 220-28-306    | REP-E 83-16-027 | 220-47-411    | AMD 83-14-020   |
| 212-43-120 | NEW 83-03-028   | 220-28-307    | NEW-E 83-16-027 | 220-47-412    | AMD-P 83-11-039 |
| 212-43-125 | NEW 83-03-028   | 220-28-307    | REP-E 83-16-044 | 220-47-412    | AMD 83-14-020   |
| 212-43-130 | NEW 83-03-028   | 220-28-308    | NEW-E 83-16-044 | 220-47-413    | AMD-P 83-11-039 |
| 212-43-135 | NEW 83-03-028   | 220-28-308    | REP-E 83-17-002 | 220-47-413    | AMD 83-14-020   |
| 212-45-001 | NEW-P 83-03-027 | 220-28-309    | NEW-E 83-17-002 | 220-47-414    | AMD-P 83-11-039 |
| 212-45-001 | NEW 83-06-022   | 220-28-309    | REP-E 83-17-017 | 220-47-414    | AMD 83-14-020   |
| 212-45-005 | NEW-P 83-03-027 | 220-28-310    | NEW-E 83-17-017 | 220-47-800    | NEW-E 83-15-029 |
| 212-45-005 | NEW 83-06-022   | 220-28-310    | REP-E 83-17-042 | 220-47-800    | REP-E 83-16-013 |
| 212-45-010 | NEW-P 83-03-027 | 220-28-311    | NEW-E 83-17-042 | 220-47-801    | NEW-E 83-16-013 |
| 212-45-010 | NEW 83-06-022   | 220-28-311    | REP-E 83-17-052 | 220-47-801    | REP-E 83-16-043 |
| 212-45-015 | NEW-P 83-03-027 | 220-28-312    | NEW-E 83-17-052 | 220-47-802    | NEW-E 83-16-043 |
| 212-45-015 | NEW 83-06-022   | 220-28-312    | REP-E 83-17-076 | 220-47-802    | REP-E 83-17-016 |
| 212-45-020 | NEW-P 83-03-027 | 220-28-313    | NEW-E 83-17-076 | 220-47-803    | NEW-E 83-17-016 |
| 212-45-020 | NEW 83-06-022   | 220-28-313    | REP-E 83-17-087 | 220-47-803    | REP-E 83-17-043 |
| 212-45-025 | NEW-P 83-03-027 | 220-28-314    | NEW-E 83-17-087 | 220-47-804    | NEW-E 83-17-043 |
| 212-45-025 | NEW 83-06-022   | 220-32-02200I | NEW-E 83-04-005 | 220-47-804    | REP-E 83-17-077 |
| 212-45-030 | NEW-P 83-03-027 | 220-32-03000G | NEW-E 83-05-025 | 220-47-805    | NEW-E 83-17-077 |
| 212-45-030 | NEW 83-06-022   | 220-32-04000Q | NEW-E 83-03-030 | 220-47-805    | REP-E 83-17-140 |
| 212-45-035 | NEW-P 83-03-027 | 220-32-04000Q | REP-E 83-04-053 | 220-47-806    | NEW-E 83-17-140 |
| 212-45-035 | NEW 83-06-022   | 220-32-04000R | NEW-E 83-04-053 | 220-48-015    | AMD 83-04-025   |
| 212-45-040 | NEW-P 83-03-027 | 220-32-04100F | NEW-E 83-11-035 | 220-48-01500A | NEW-E 83-06-024 |
| 212-45-040 | NEW 83-06-022   | 220-32-05100U | NEW-E 83-05-008 | 220-48-01500A | REP-E 83-07-071 |
| 212-45-045 | NEW-P 83-03-027 | 220-32-05100U | NEW-E 83-15-008 | 220-48-01500B | NEW-E 83-07-071 |
| 212-45-045 | NEW 83-06-022   | 220-32-05100U | REP-E 83-15-016 | 220-48-01500C | NEW-E 83-10-014 |
| 212-45-050 | NEW-P 83-03-027 | 220-32-05100V | NEW-E 83-15-016 | 220-49-020    | AMD 83-04-025   |
| 212-45-050 | NEW 83-06-022   | 220-32-05100V | REP-E 83-15-026 | 220-49-02000L | REP-E 83-04-036 |
| 212-45-055 | NEW-P 83-03-027 | 220-32-05100W | NEW-E 83-15-026 | 220-49-02000M | NEW-E 83-04-036 |
| 212-45-055 | NEW 83-06-022   | 220-32-05500G | NEW-E 83-11-013 | 220-49-02000N | NEW-E 83-09-008 |
| 212-45-060 | NEW-P 83-03-027 | 220-32-05700P | NEW-E 83-03-030 | 220-49-056    | AMD 83-04-025   |
| 212-45-060 | NEW 83-06-022   | 220-32-05700P | REP-E 83-04-053 | 220-52-050    | AMD 83-04-025   |
| 212-45-065 | NEW-P 83-03-027 | 220-32-05700Q | NEW-E 83-04-053 | 220-52-053    | AMD-P 83-06-044 |
| 212-45-065 | NEW 83-06-022   | 220-32-05700Q | REP-E 83-06-023 | 220-52-053    | AMD 83-09-014   |
| 212-45-070 | NEW-P 83-03-027 | 220-32-05700R | NEW-E 83-06-023 | 220-52-05300M | NEW-E 83-10-019 |
| 212-45-070 | NEW 83-06-022   | 220-32-05900D | NEW-E 83-10-020 | 220-52-06600A | NEW-E 83-14-015 |
| 212-45-075 | NEW-P 83-03-027 | 220-32-05900D | REP-E 83-13-072 | 220-52-06600A | REP-E 83-17-015 |
| 212-45-075 | NEW 83-06-022   | 220-32-05900E | NEW-E 83-13-035 | 220-52-06600B | NEW-E 83-17-015 |
| 212-45-080 | NEW-P 83-03-027 | 220-32-05900E | REP-E 83-13-072 | 220-52-073    | AMD 83-04-025   |
| 212-45-080 | NEW 83-06-022   | 220-32-05900F | NEW-E 83-13-072 | 220-52-07300A | NEW-E 83-09-027 |
| 212-45-085 | NEW-P 83-03-027 | 220-36-021    | AMD-P 83-10-080 | 220-52-074    | AMD 83-04-025   |
| 212-45-085 | NEW 83-06-022   | 220-36-021    | AMD 83-13-054   | 220-52-075    | AMD-P 83-06-044 |
| 212-45-090 | NEW-P 83-03-027 | 220-36-022    | AMD-P 83-10-080 | 220-52-075    | AMD 83-09-014   |
| 212-45-090 | NEW 83-06-022   | 220-36-022    | AMD 83-13-054   | 220-52-07500F | NEW-E 83-14-015 |
| 212-45-095 | NEW-P 83-03-027 | 220-36-024    | AMD-P 83-10-080 | 220-56-11500C | NEW-E 83-15-019 |
| 212-45-095 | NEW 83-06-022   | 220-36-024    | AMD 83-13-054   | 220-56-116    | AMD-P 83-03-071 |
| 212-45-100 | NEW-P 83-03-027 | 220-36-025    | AMD-P 83-07-055 | 220-56-116    | AMD 83-07-043   |
| 212-45-100 | NEW 83-06-022   | 220-36-025    | AMD 83-10-015   | 220-56-145    | AMD-P 83-03-071 |
| 212-45-105 | NEW-P 83-03-027 | 220-36-02500A | NEW-E 83-07-041 | 220-56-145    | AMD 83-07-043   |

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| WAC #         | WSR # | WAC #     | WSR #          | WAC # | WSR #     |                |       |           |
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| 220-56-180    | AMD-P | 83-03-071 | 220-57-181     | NEW-P | 83-03-071 | 220-57A-105    | AMD-P | 83-03-071 |
| 220-56-180    | AMD   | 83-07-043 | 220-57-181     | NEW   | 83-07-043 | 220-57A-105    | AMD   | 83-07-043 |
| 220-56-18000I | NEW-E | 83-08-040 | 220-57-215     | AMD-P | 83-03-071 | 220-57A-112    | AMD-P | 83-03-071 |
| 220-56-18000J | NEW-E | 83-08-046 | 220-57-215     | AMD   | 83-07-043 | 220-57A-112    | AMD   | 83-07-043 |
| 220-56-18000K | NEW-E | 83-16-035 | 220-57-220     | AMD-P | 83-03-071 | 220-57A-120    | AMD-P | 83-03-071 |
| 220-56-190    | AMD-P | 83-03-071 | 220-57-220     | AMD   | 83-07-043 | 220-57A-120    | AMD   | 83-07-043 |
| 220-56-190    | AMD   | 83-07-043 | 220-57-230     | AMD-P | 83-03-071 | 220-57A-152    | AMD-P | 83-03-071 |
| 220-56-19000A | NEW-E | 83-17-086 | 220-57-230     | AMD   | 83-07-043 | 220-57A-152    | AMD   | 83-07-043 |
| 220-56-19000T | NEW-E | 83-12-030 | 220-57-235     | AMD-P | 83-03-071 | 220-57A-165    | AMD-P | 83-03-071 |
| 220-56-19000T | REP-E | 83-13-104 | 220-57-235     | AMD   | 83-07-043 | 220-57A-165    | AMD   | 83-07-043 |
| 220-56-19000U | NEW-E | 83-13-104 | 220-57-260     | AMD-P | 83-03-071 | 220-57A-17500G | NEW-E | 83-16-003 |
| 220-56-19000U | REP-E | 83-14-042 | 220-57-260     | AMD   | 83-07-043 | 220-57A-17500G | REP-E | 83-16-036 |
| 220-56-19000V | NEW-E | 83-14-042 | 220-57-270     | AMD-P | 83-03-071 | 220-57A-17500H | NEW-E | 83-16-036 |
| 220-56-19000V | REP-E | 83-15-015 | 220-57-270     | AMD   | 83-07-043 | 220-57A-17500H | REP-E | 83-17-001 |
| 220-56-19000W | NEW-E | 83-15-015 | 220-57-27000K  | NEW-E | 83-13-009 | 220-57A-17500I | NEW-E | 83-17-001 |
| 220-56-19000W | REP-E | 83-16-042 | 220-57-27000K  | REP-E | 83-16-016 | 220-57A-17500I | REP-E | 83-17-037 |
| 220-56-19000X | NEW-E | 83-15-019 | 220-57-27000L  | NEW-E | 83-16-016 | 220-57A-180    | AMD-P | 83-03-071 |
| 220-56-19000Y | NEW-E | 83-16-042 | 220-57-280     | AMD-P | 83-03-071 | 220-57A-180    | AMD   | 83-07-043 |
| 220-56-19000Y | REP-E | 83-17-014 | 220-57-280     | AMD   | 83-07-043 | 220-57A-190    | AMD-P | 83-03-071 |
| 220-56-1900Z  | NEW-E | 83-17-014 | 220-57-285     | AMD-P | 83-03-071 | 220-57A-190    | AMD   | 83-07-043 |
| 220-56-1900Z  | REP-E | 83-17-086 | 220-57-285     | AMD   | 83-07-043 | 220-110-010    | NEW-P | 83-06-062 |
| 220-56-191    | NEW-P | 83-03-071 | 220-57-290     | AMD-P | 83-03-071 | 220-110-010    | NEW   | 83-09-019 |
| 220-56-195    | AMD-P | 83-03-071 | 220-57-290     | AMD   | 83-07-043 | 220-110-020    | NEW-P | 83-06-062 |
| 220-56-195    | AMD   | 83-07-043 | 220-57-29000D  | NEW-E | 83-12-056 | 220-110-020    | NEW   | 83-09-019 |
| 220-56-195    | REP-E | 83-08-040 | 220-57-29000D  | REP-E | 83-13-049 | 220-110-030    | NEW-P | 83-06-062 |
| 220-56-19500B | NEW-E | 83-08-040 | 220-57-29000E  | NEW-E | 83-13-049 | 220-110-030    | NEW   | 83-09-019 |
| 220-56-196    | NEW-P | 83-03-071 | 220-57-300     | AMD-P | 83-03-071 | 220-110-040    | NEW-P | 83-06-062 |
| 220-56-196    | NEW   | 83-07-043 | 220-57-300     | AMD   | 83-07-043 | 220-110-040    | NEW   | 83-09-019 |
| 220-56-198    | NEW-P | 83-03-071 | 220-57-315     | AMD-P | 83-03-071 | 220-110-050    | NEW-P | 83-06-062 |
| 220-56-198    | NEW   | 83-07-043 | 220-57-315     | AMD   | 83-07-043 | 220-110-050    | NEW   | 83-09-019 |
| 220-56-235    | AMD-P | 83-03-071 | 220-57-319     | AMD-P | 83-03-071 | 220-110-060    | NEW-P | 83-06-062 |
| 220-56-235    | AMD   | 83-07-043 | 220-57-319     | AMD   | 83-07-043 | 220-110-060    | NEW   | 83-09-019 |
| 220-56-23500A | NEW-E | 83-08-040 | 220-57-320     | REP-P | 83-03-071 | 220-110-070    | NEW-P | 83-06-062 |
| 220-56-250    | AMD-P | 83-03-071 | 220-57-320     | REP   | 83-10-023 | 220-110-070    | NEW   | 83-09-019 |
| 220-56-250    | AMD   | 83-07-043 | 220-57-327     | NEW-P | 83-03-071 | 220-110-080    | NEW-P | 83-06-062 |
| 220-56-25000B | NEW-E | 83-08-040 | 220-57-327     | NEW   | 83-07-043 | 220-110-080    | NEW   | 83-09-019 |
| 220-56-25000C | NEW-E | 83-13-045 | 220-57-330     | AMD-P | 83-03-071 | 220-110-090    | NEW-P | 83-06-062 |
| 220-56-261    | NEW-P | 83-03-071 | 220-57-330     | AMD   | 83-07-043 | 220-110-090    | NEW   | 83-09-019 |
| 220-56-285    | AMD-P | 83-03-071 | 220-57-340     | AMD-P | 83-03-071 | 220-110-100    | NEW-P | 83-06-062 |
| 220-56-285    | AMD   | 83-07-043 | 220-57-340     | AMD   | 83-07-043 | 220-110-100    | NEW   | 83-09-019 |
| 220-56-300    | REP-P | 83-03-071 | 220-57-350     | AMD-P | 83-03-071 | 220-110-110    | NEW-P | 83-06-062 |
| 220-56-300    | REP   | 83-07-043 | 220-57-350     | AMD   | 83-07-043 | 220-110-110    | NEW   | 83-09-019 |
| 220-56-310    | AMD   | 83-04-027 | 220-57-38500F  | NEW-E | 83-16-002 | 220-110-120    | NEW-P | 83-06-062 |
| 220-56-32500E | NEW-E | 83-10-019 | 220-57-390     | AMD-P | 83-03-071 | 220-110-120    | NEW   | 83-09-019 |
| 220-56-350    | AMD-P | 83-03-071 | 220-57-390     | AMD   | 83-07-043 | 220-110-130    | NEW-P | 83-06-062 |
| 220-56-350    | AMD   | 83-07-043 | 220-57-415     | AMD-P | 83-03-071 | 220-110-130    | NEW   | 83-09-019 |
| 220-56-35000A | NEW-E | 83-08-040 | 220-57-415     | AMD   | 83-07-043 | 220-110-140    | NEW-P | 83-06-062 |
| 220-56-360    | AMD-P | 83-03-071 | 220-57-460     | AMD-P | 83-03-071 | 220-110-140    | NEW   | 83-09-019 |
| 220-56-360    | AMD   | 83-04-026 | 220-57-460     | AMD   | 83-07-043 | 220-110-150    | NEW-P | 83-06-062 |
| 220-56-360    | AMD   | 83-07-043 | 220-57-46000K  | NEW-E | 83-16-002 | 220-110-150    | NEW   | 83-09-019 |
| 220-56-36000F | NEW-E | 83-05-011 | 220-57-485     | AMD-P | 83-03-071 | 220-110-160    | NEW-P | 83-06-062 |
| 220-56-36000F | REP-E | 83-13-022 | 220-57-485     | AMD   | 83-07-043 | 220-110-160    | NEW   | 83-09-019 |
| 220-56-36000G | NEW-E | 83-08-040 | 220-57-495     | AMD-P | 83-03-071 | 220-110-170    | NEW-P | 83-06-062 |
| 220-56-36000G | NEW-E | 83-13-022 | 220-57-495     | AMD   | 83-07-043 | 220-110-170    | NEW   | 83-09-019 |
| 220-56-372    | AMD-P | 83-03-071 | 220-57-50500H  | NEW-E | 83-12-029 | 220-110-180    | NEW-P | 83-06-062 |
| 220-56-372    | AMD   | 83-07-043 | 220-57-50500H  | REP-E | 83-13-023 | 220-110-180    | NEW   | 83-09-019 |
| 220-56-390    | AMD-P | 83-03-071 | 220-57-515     | AMD-P | 83-03-071 | 220-110-190    | NEW-P | 83-06-062 |
| 220-56-390    | AMD   | 83-07-043 | 220-57-515     | AMD   | 83-07-043 | 220-110-190    | NEW   | 83-09-019 |
| 220-57-130    | AMD-P | 83-03-071 | 220-57-520     | AMD-P | 83-03-071 | 220-110-200    | NEW-P | 83-06-062 |
| 220-57-130    | AMD   | 83-07-043 | 220-57-520     | AMD   | 83-07-043 | 220-110-200    | NEW   | 83-09-019 |
| 220-57-13000D | NEW-E | 83-16-002 | 220-57-525     | AMD-P | 83-03-071 | 220-110-210    | NEW-P | 83-06-062 |
| 220-57-135    | AMD-P | 83-03-071 | 220-57-525     | AMD   | 83-07-043 | 220-110-210    | NEW   | 83-09-019 |
| 220-57-135    | AMD   | 83-07-043 | 220-57A-012    | AMD-P | 83-03-071 | 220-110-220    | NEW-P | 83-06-062 |
| 220-57-13500C | NEW-E | 83-16-002 | 220-57A-012    | AMD   | 83-07-043 | 220-110-220    | NEW   | 83-09-019 |
| 220-57-138    | AMD-P | 83-03-071 | 220-57A-015    | AMD-P | 83-03-071 | 220-110-230    | NEW-P | 83-06-062 |
| 220-57-138    | AMD   | 83-07-043 | 220-57A-015    | AMD   | 83-07-043 | 220-110-230    | NEW   | 83-09-019 |
| 220-57-140    | AMD-P | 83-03-071 | 220-57A-015    | REP-E | 83-08-040 | 220-110-240    | NEW-P | 83-06-062 |
| 220-57-140    | AMD   | 83-07-043 | 220-57A-01500A | NEW-E | 83-08-040 | 220-110-240    | NEW   | 83-09-019 |
| 220-57-155    | AMD-P | 83-03-071 | 220-57A-040    | AMD-P | 83-03-071 | 220-110-250    | NEW-P | 83-06-062 |
| 220-57-155    | AMD   | 83-07-043 | 220-57A-040    | AMD   | 83-07-043 | 220-110-250    | NEW   | 83-09-019 |
| 220-57-160    | AMD-P | 83-03-071 | 220-57A-070    | AMD-P | 83-03-071 | 220-110-260    | NEW-P | 83-06-062 |
| 220-57-160    | AMD   | 83-07-043 | 220-57A-070    | AMD   | 83-07-043 | 220-110-260    | NEW   | 83-09-019 |
| 220-57-16000Y | NEW-E | 83-06-045 | 220-57A-082    | AMD-P | 83-03-071 | 220-110-270    | NEW-P | 83-06-062 |
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| 220-57-175    | AMD-P | 83-03-071 | 220-57A-08200B | NEW-E | 83-08-040 | 220-110-280    | NEW-P | 83-06-062 |
| 220-57-175    | AMD   | 83-07-043 | 220-57A-085    | AMD-P | 83-03-071 | 220-110-280    | NEW   | 83-09-019 |
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| 220-110-300 | NEW    | 83-09-019 | 230-20-330   | REP-P | 83-08-048 | 232-28-60420 | NEW-E | 83-15-018 |
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| 220-110-320 | NEW-P  | 83-06-062 | 230-20-340   | REP   | 83-11-034 | 232-28-605   | AMD-P | 83-06-057 |
| 220-110-320 | NEW    | 83-09-019 | 230-20-605   | AMD   | 83-06-077 | 232-28-605   | AMD-P | 83-08-088 |
| 220-110-330 | NEW-P  | 83-06-062 | 230-30-080   | AMD-P | 83-16-008 | 232-28-605   | AMD-E | 83-09-024 |
| 220-110-330 | NEW    | 83-09-019 | 230-40-062   | REP-P | 83-08-048 | 232-28-605   | AMD   | 83-09-025 |
| 220-110-340 | NEW-P  | 83-06-062 | 230-40-062   | REP   | 83-11-034 | 232-28-605   | AMD   | 83-12-005 |
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| 230-04-060  | AMD-P  | 83-17-122 | 232-12-051   | AMD-P | 83-12-004 | 232-28-60509 | NEW-E | 83-16-048 |
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| 230-04-452  | REP    | 83-06-077 | 232-12-24401 | NEW   | 83-09-022 | 232-28-611   | NEW-P | 83-14-083 |
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| 230-08-025  | NEW-P  | 83-06-072 | 232-14-010   | NEW   | 83-09-026 | 232-28-804   | REP   | 83-15-057 |
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| 230-08-125  | NEW    | 83-06-077 | 232-16-240   | REP-P | 83-12-051 | 232-32-151   | NEW-E | 83-06-007 |
| 230-08-160  | AMD    | 83-06-077 | 232-16-240   | REP   | 83-15-059 | 232-32-152   | NEW-E | 83-06-037 |
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| 230-20-015  | NEW-E  | 83-06-078 | 232-16-500   | REP   | 83-15-059 | 236-48-005   | AMD-P | 83-15-053 |
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| 230-20-061  | NEW-P  | 83-16-082 | 232-16-660   | NEW-P | 83-14-079 | 236-48-051   | AMD-P | 83-15-053 |
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| 230-20-100  | AMD    | 83-13-050 | 232-16-680   | NEW-P | 83-14-079 | 236-48-079   | AMD-P | 83-15-053 |
| 230-20-125  | NEW-P  | 83-10-001 | 232-16-690   | NEW-P | 83-14-079 | 236-48-082   | AMD-P | 83-15-053 |
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| 230-20-150  | REP    | 83-08-051 | 232-28-106   | NEW-P | 83-12-052 | 236-48-096   | AMD-P | 83-15-053 |
| 230-20-170  | AMD-P  | 83-10-001 | 232-28-106   | NEW   | 83-17-021 | 236-48-097   | AMD-P | 83-15-053 |
| 230-20-170  | AMD    | 83-13-050 | 232-28-10601 | NEW-E | 83-17-101 | 236-48-098   | AMD-P | 83-15-053 |
| 230-20-170  | AMD-P  | 83-17-122 | 232-28-205   | REP-P | 83-08-078 | 236-48-099   | AMD-P | 83-15-053 |
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| 230-20-240  | NEW-P  | 83-10-001 | 232-28-206   | NEW-P | 83-08-078 | 236-48-166   | AMD-P | 83-15-053 |
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| 296-23-421   | NEW 83-16-066   | 296-54-507   | AMD-C 83-13-007 | 308-11-030   | NEW 83-17-031   |
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| 296-23-430   | NEW 83-16-066   | 296-62-07314 | AMD-C 83-13-007 | 308-12-030   | REP 83-04-071   |
| 296-23-440   | NEW-P 83-13-121 | 296-62-07314 | AMD 83-15-017   | 308-12-031   | NEW 83-04-071   |
| 296-23-440   | NEW 83-16-066   | 296-62-14515 | AMD-P 83-05-024 | 308-12-040   | AMD 83-04-071   |
| 296-23-450   | NEW-P 83-13-121 | 296-62-14515 | AMD-C 83-13-007 | 308-12-050   | AMD 83-04-071   |
| 296-23-450   | NEW 83-16-066   | 296-62-14515 | AMD 83-15-017   | 308-12-080   | AMD 83-04-071   |
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| 296-23-460   | NEW 83-16-066   | 296-78-770   | AMD-C 83-13-007 | 308-12-082   | NEW 83-04-071   |
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| 296-23-470   | NEW 83-16-066   | 296-116-185  | AMD 83-15-012   | 308-12-120   | AMD 83-04-071   |
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| 296-23-480   | NEW 83-16-066   | 296-116-2051 | AMD-C 83-14-072 | 308-12-311   | REP 83-05-006   |
| 296-23-490   | NEW-P 83-13-121 | 296-116-2051 | AMD 83-16-032   | 308-12-312   | NEW 83-05-006   |
| 296-23-490   | NEW 83-16-066   | 296-116-300  | AMD-P 83-12-027 | 308-12-320   | AMD 83-04-071   |
| 296-23-495   | NEW-P 83-13-121 | 296-116-300  | AMD-E 83-17-054 | 308-13-120   | REP-P 83-13-116 |
| 296-23-495   | NEW 83-16-066   | 296-116-300  | AMD 83-17-055   | 308-13-120   | REP 83-17-031   |
| 296-23-615   | AMD-P 83-13-121 | 296-116-320  | AMD-P 83-02-045 | 308-13-150   | NEW-P 83-13-116 |
| 296-23-615   | AMD 83-16-066   | 296-116-320  | AMD 83-05-049   | 308-13-150   | NEW 83-17-031   |
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| 296-23-715   | AMD 83-16-066   | 296-150B-185 | NEW-P 83-06-041 | 308-16-205   | NEW-P 83-11-045 |
| 296-23-720   | AMD-P 83-13-121 | 296-150B-185 | NEW-E 83-06-042 | 308-16-205   | NEW-C 83-14-031 |
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| 308-16-211   | REP-P | 83-11-045 | 308-33-100   | REP   | 83-17-031 | 308-52-504 | AMD   | 83-07-014 |
| 308-16-211   | REP-C | 83-14-031 | 308-33-105   | NEW-P | 83-13-116 | 308-52-520 | REP-P | 83-03-045 |
| 308-16-211   | REP   | 83-15-013 | 308-33-105   | NEW   | 83-17-031 | 308-52-520 | REP   | 83-07-014 |
| 308-16-212   | REP-E | 83-11-025 | 308-36-080   | REP-P | 83-13-116 | 308-52-550 | REP-P | 83-03-045 |
| 308-16-212   | REP-P | 83-11-045 | 308-37-115   | NEW-P | 83-08-020 | 308-52-550 | REP   | 83-07-014 |
| 308-16-212   | REP-C | 83-14-031 | 308-37-130   | AMD   | 83-04-050 | 308-52-560 | REP-P | 83-03-045 |
| 308-16-212   | REP   | 83-15-013 | 308-37-135   | NEW   | 83-04-050 | 308-52-560 | REP   | 83-07-014 |
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| 308-16-240   | AMD   | 83-15-013 | 308-42-075   | NEW   | 83-17-031 | 308-90-020 | NEW-E | 83-10-051 |
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| 308-16-310   | AMD-P | 83-11-045 | 308-48-030   | AMD   | 83-04-020 | 308-90-030 | NEW   | 83-14-061 |
| 308-16-310   | AMD-C | 83-14-031 | 308-48-090   | REP   | 83-04-021 | 308-90-040 | NEW-E | 83-10-051 |
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| 308-16-370   | REP-C | 83-14-031 | 308-48-170   | REP   | 83-04-021 | 308-90-050 | NEW-P | 83-11-044 |
| 308-16-370   | REP   | 83-15-013 | 308-48-175   | REP   | 83-04-021 | 308-90-050 | NEW   | 83-14-061 |
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| 308-24-485   | NEW   | 83-17-031 | 308-48-310   | REP-P | 83-13-116 | 308-90-070 | NEW   | 83-14-061 |
| 308-24-490   | REP-P | 83-13-116 | 308-48-310   | REP   | 83-17-031 | 308-90-080 | NEW-E | 83-10-051 |
| 308-24-490   | REP   | 83-17-031 | 308-49-100   | NEW   | 83-04-021 | 308-90-080 | NEW-P | 83-11-044 |
| 308-25-020   | AMD-P | 83-04-070 | 308-49-120   | NEW   | 83-04-021 | 308-90-080 | NEW   | 83-14-061 |
| 308-25-020   | AMD   | 83-07-051 | 308-49-130   | NEW   | 83-04-021 | 308-90-090 | NEW-E | 83-10-051 |
| 308-25-020   | AMD-E | 83-17-063 | 308-49-140   | NEW   | 83-04-021 | 308-90-090 | NEW-P | 83-11-044 |
| 308-25-030   | AMD-E | 83-17-063 | 308-49-150   | NEW   | 83-04-021 | 308-90-090 | NEW   | 83-14-061 |
| 308-25-060   | REP-P | 83-13-116 | 308-49-160   | NEW   | 83-04-021 | 308-90-100 | NEW-E | 83-10-051 |
| 308-25-060   | REP   | 83-17-031 | 308-49-170   | NEW   | 83-04-021 | 308-90-100 | NEW-P | 83-11-044 |
| 308-25-065   | NEW-P | 83-13-116 | 308-49-180   | NEW   | 83-04-021 | 308-90-100 | NEW   | 83-14-061 |
| 308-25-065   | NEW   | 83-16-031 | 308-50-340   | REP-P | 83-13-116 | 308-90-110 | NEW-E | 83-10-051 |
| 308-25-070   | AMD-E | 83-17-063 | 308-50-340   | REP   | 83-17-031 | 308-90-110 | NEW-P | 83-11-044 |
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| 308-26-020   | REP   | 83-17-031 | 308-50-375   | NEW-P | 83-13-116 | 308-93-010 | NEW-E | 83-10-021 |
| 308-26-040   | NEW-P | 83-13-116 | 308-50-375   | NEW   | 83-17-031 | 308-93-010 | NEW-P | 83-11-043 |
| 308-26-040   | NEW   | 83-17-031 | 308-51-030   | REP-P | 83-13-116 | 308-93-010 | NEW-W | 83-13-105 |
| 308-29-040   | REP-P | 83-13-116 | 308-51-030   | REP   | 83-17-031 | 308-93-020 | NEW-E | 83-10-021 |
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| 308-29-045   | NEW-P | 83-13-116 | 308-51-200   | NEW   | 83-17-031 | 308-93-020 | NEW-W | 83-13-105 |
| 308-29-045   | NEW   | 83-17-031 | 308-52-135   | AMD-P | 83-03-045 | 308-93-030 | NEW-E | 83-10-021 |
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| 308-31-030   | NEW   | 83-03-032 | 308-52-138   | AMD   | 83-03-031 | 308-93-030 | NEW-W | 83-13-105 |
| 308-31-040   | NEW   | 83-03-032 | 308-52-140   | AMD-P | 83-03-045 | 308-93-040 | NEW-E | 83-10-021 |
| 308-31-050   | NEW   | 83-03-032 | 308-52-140   | AMD   | 83-07-014 | 308-93-040 | NEW-P | 83-11-043 |
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| 308-31-055   | NEW   | 83-17-031 | 308-52-310   | REP-P | 83-13-116 | 308-93-050 | NEW-E | 83-10-021 |
| 308-31-060   | NEW   | 83-03-032 | 308-52-310   | REP   | 83-17-031 | 308-93-050 | NEW-P | 83-11-043 |
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| 308-31-310   | REP   | 83-17-031 | 308-52-315   | NEW   | 83-17-031 | 308-93-060 | NEW-E | 83-10-021 |
| 308-32-090   | NEW-P | 83-13-116 | 308-52-500   | AMD-P | 83-03-045 | 308-93-060 | NEW-P | 83-11-043 |
| 308-32-090   | NEW   | 83-17-031 | 308-52-500   | AMD   | 83-07-014 | 308-93-060 | NEW-W | 83-13-105 |
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| 308-93-080  | NEW-P  | 83-11-043 | 308-122-460  | REP    | 83-17-031 |
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| 308-93-090  | NEW-W  | 83-13-105 | 308-138-060  | REP    | 83-17-031 |
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| 308-93-100  | NEW-P  | 83-11-043 | 308-138-080  | NEW    | 83-17-031 |
| 308-93-100  | NEW-W  | 83-13-105 | 308-138A-020 | AMD-P  | 83-12-048 |
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| 308-93-120  | NEW-P  | 83-11-043 | 308-138B-100 | AMD    | 83-16-024 |
| 308-93-120  | NEW-W  | 83-13-105 | 308-138B-105 | NEW-P  | 83-12-048 |
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| 308-93-130  | NEW-P  | 83-11-043 | 308-138B-165 | NEW-P  | 83-12-048 |
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| 308-95-010  | NEW-E  | 83-06-029 | 308-156-045  | NEW-P  | 83-16-063 |
| 308-95-010  | NEW    | 83-12-025 | 308-156-050  | NEW-P  | 83-16-063 |
| 308-95-020  | NEW-P  | 83-04-068 | 308-156-055  | NEW-P  | 83-16-063 |
| 308-95-020  | NEW-E  | 83-06-029 | 308-156-060  | AMD-P  | 83-16-063 |
| 308-95-020  | NEW    | 83-12-025 | 308-156-070  | AMD-P  | 83-16-063 |
| 308-95-030  | NEW-P  | 83-04-068 | 308-156-080  | AMD-P  | 83-16-063 |
| 308-95-030  | NEW-E  | 83-06-029 | 308-156-090  | AMD-P  | 83-16-063 |
| 308-95-030  | NEW    | 83-12-025 | 308-156-100  | AMD-P  | 83-16-063 |
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| 308-99-020  | NEW-P  | 83-15-064 | 314-12-020   | AMD-P  | 83-16-071 |
| 308-99-030  | NEW-P  | 83-15-064 | 314-12-125   | NEW-P  | 83-03-012 |
| 308-99-040  | NEW-P  | 83-15-064 | 314-12-125   | NEW-P  | 83-06-027 |
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| 308-115-400 | REP    | 83-17-031 | 314-12-125   | NEW-W  | 83-10-045 |
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| 308-120-180 | AMD-P  | 83-12-031 | 314-16-196   | NEW-P  | 83-10-031 |
| 308-120-260 | REP-P  | 83-13-116 | 314-16-196   | NEW-W  | 83-10-046 |
| 308-120-260 | REP    | 83-17-031 | 314-16-196   | NEW    | 83-13-056 |
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| 308-120-601 | NEW-P  | 83-12-031 | 314-37-010   | AMD-P  | 83-15-062 |
| 308-120-602 | NEW-P  | 83-12-031 | 314-37-010   | AMD-C  | 83-17-108 |
| 308-120-603 | NEW-P  | 83-12-031 | 314-40       | REVIEW | 83-11-026 |
| 308-120-604 | NEW-P  | 83-12-031 | 314-44       | REVIEW | 83-11-026 |
| 308-120-605 | NEW-P  | 83-12-031 | 314-45       | REVIEW | 83-11-026 |
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| 314-62      | REVIEW | 83-11-116 |              |        |           |
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| 315-02-210  | REP    | 83-13-082 |              |        |           |
| 315-04-040  | AMD    | 83-05-029 |              |        |           |
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| 315-04-050  | REP-C  | 83-10-069 |              |        |           |
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| 315-06-160  | AMD    | 83-05-029 |              |        |           |
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| 315-10-030  | AMD-E  | 83-08-083 |              |        |           |
| 315-10-030  | AMD-P  | 83-12-057 |              |        |           |
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| 315-10-030  | AMD    | 83-16-029 |              |        |           |
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| 315-11-010  | NEW-E  | 83-04-019 |              |        |           |
| 315-11-020  | NEW    | 83-03-034 |              |        |           |
| 315-11-020  | NEW-E  | 83-04-019 |              |        |           |
| 315-11-030  | NEW    | 83-03-034 |              |        |           |
| 315-11-030  | NEW-E  | 83-04-019 |              |        |           |
| 315-11-040  | NEW-E  | 83-03-040 |              |        |           |
| 315-11-040  | NEW    | 83-05-030 |              |        |           |
| 315-11-040  | NEW-E  | 83-05-030 |              |        |           |
| 315-11-041  | NEW-E  | 83-03-040 |              |        |           |
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| 315-11-042  | NEW    | 83-05-030 |              |        |           |
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| 315-11-050  | NEW-E  | 83-08-085 |              |        |           |
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| 315-11-050  | NEW-C  | 83-10-072 |              |        |           |
| 315-11-050  | NEW-C  | 83-13-077 |              |        |           |
| 315-11-050  | NEW-E  | 83-13-083 |              |        |           |
| 315-11-050  | NEW    | 83-17-009 |              |        |           |
| 315-11-051  | NEW-E  | 83-05-031 |              |        |           |
| 315-11-051  | NEW-P  | 83-05-052 |              |        |           |
| 315-11-051  | NEW-E  | 83-08-085 |              |        |           |
| 315-11-051  | NEW-C  | 83-10-072 |              |        |           |
| 315-11-051  | NEW-C  | 83-13-077 |              |        |           |
| 315-11-051  | NEW-E  | 83-13-083 |              |        |           |
| 315-11-051  | NEW    | 83-17-009 |              |        |           |
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| 315-11-052 | NEW-C 83-10-072 | 315-12-100 | NEW-P 83-05-054  | 332-20-020 | AMD-P 83-15-038  |
| 315-11-052 | NEW-C 83-13-077 | 315-12-100 | NEW-C 83-08-081  | 332-20-030 | AMD-P 83-15-038  |
| 315-11-052 | NEW-E 83-13-083 | 315-12-100 | NEW-C 83-08-082  | 332-20-040 | REP-P 83-15-038  |
| 315-11-052 | NEW 83-17-009   | 315-12-100 | NEW-C 83-10-068  | 332-20-050 | AMD-P 83-15-038  |
| 315-11-060 | NEW-P 83-05-053 | 315-12-100 | NEW-C 83-10-071  | 332-20-060 | REP-P 83-15-038  |
| 315-11-060 | NEW-C 83-08-080 | 315-12-100 | NEW 83-13-080    | 332-20-070 | REP-P 83-15-038  |
| 315-11-060 | NEW-E 83-08-086 | 315-12-110 | NEW-C 83-05-028  | 332-20-080 | REP-P 83-15-038  |
| 315-11-060 | NEW-C 83-10-070 | 315-12-110 | NEW-C 83-08-081  | 332-20-090 | REP-P 83-15-038  |
| 315-11-060 | NEW-C 83-13-078 | 315-12-110 | NEW-C 83-10-068  | 332-20-100 | REP-P 83-15-038  |
| 315-11-060 | NEW-E 83-13-084 | 315-12-110 | NEW 83-13-080    | 332-20-110 | REP-P 83-15-038  |
| 315-11-060 | NEW 83-17-010   | 315-12-120 | NEW-C 83-05-028  | 332-20-120 | REP-P 83-15-038  |
| 315-11-061 | NEW-P 83-05-053 | 315-12-120 | NEW-C 83-08-081  | 332-20-130 | REP-P 83-15-038  |
| 315-11-061 | NEW-C 83-08-080 | 315-12-120 | NEW-C 83-10-068  | 332-20-140 | REP-P 83-15-038  |
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| 315-11-061 | NEW-C 83-13-078 | 315-12-130 | NEW-C 83-08-081  | 332-20-170 | AMD-P 83-15-038  |
| 315-11-061 | NEW-E 83-13-084 | 315-12-130 | NEW-C 83-10-068  | 332-20-180 | AMD-P 83-15-038  |
| 315-11-061 | NEW 83-17-010   | 315-12-130 | NEW 83-13-080    | 332-20-190 | REP-P 83-15-038  |
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| 315-11-062 | NEW-C 83-08-080 | 315-12-140 | NEW-C 83-08-081  | 332-20-200 | AMD-P 83-15-038  |
| 315-11-062 | NEW-E 83-08-086 | 315-12-140 | NEW-C 83-10-068  | 332-20-210 | AMD-P 83-15-038  |
| 315-11-062 | NEW-C 83-10-070 | 315-12-140 | NEW 83-13-080    | 332-20-215 | NEW-P 83-15-038  |
| 315-11-062 | NEW-C 83-13-078 | 315-12-150 | NEW-C 83-05-028  | 332-20-220 | AMD-P 83-15-038  |
| 315-11-062 | NEW-E 83-13-084 | 315-12-150 | NEW-C 83-08-081  | 332-20-230 | AMD-P 83-15-038  |
| 315-11-062 | NEW 83-17-010   | 315-12-150 | NEW-C 83-10-068  | 332-20-240 | REP-P 83-15-038  |
| 315-11-070 | NEW-P 83-10-067 | 315-12-150 | NEW 83-13-080    | 332-20-250 | AMD-P 83-15-038  |
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| 315-11-070 | NEW 83-17-011   | 315-20-010 | NEW 83-13-081    | 332-20-280 | REP-P 83-15-038  |
| 315-11-071 | NEW-P 83-10-067 | 315-20-020 | NEW-P 83-08-074  | 332-20-290 | AMD-P 83-15-038  |
| 315-11-071 | NEW-C 83-13-079 | 315-20-020 | NEW-C 83-10-073  | 332-20-300 | AMD-P 83-15-038  |
| 315-11-071 | NEW-E 83-13-085 | 315-20-020 | NEW 83-13-081    | 332-20-310 | REP-P 83-15-038  |
| 315-11-071 | NEW 83-17-011   | 315-20-030 | NEW-P 83-08-074  | 332-20-320 | AMD-P 83-15-038  |
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| 315-11-082 | NEW-P 83-16-078 | 315-20-050 | NEW 83-13-081    | 332-24-063 | AMD-P 83-07-068  |
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| 315-12-010 | NEW-C 83-08-081 | 315-20-060 | NEW-C 83-10-073  | 332-24-065 | REP-P 83-07-068  |
| 315-12-010 | NEW-C 83-10-068 | 315-20-060 | NEW 83-13-081    | 332-24-065 | REP 83-10-036    |
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| 315-12-020 | NEW-C 83-08-081 | 315-20-070 | NEW 83-13-081    | 332-24-080 | REP-P 83-07-068  |
| 315-12-020 | NEW-C 83-10-068 | 315-20-080 | NEW-P 83-08-074  | 332-24-080 | REP 83-10-036    |
| 315-12-020 | NEW 83-13-080   | 315-20-080 | NEW-C 83-10-073  | 332-24-090 | AMD-E 83-07-021  |
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| 315-12-030 | NEW-C 83-10-068 | 315-20-090 | NEW-C 83-10-073  | 332-24-090 | AMD 83-10-036    |
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| 315-12-040 | NEW-C 83-05-028 | 315-20-100 | NEW-P 83-08-074  | 332-24-095 | NEW-P 83-07-068  |
| 315-12-040 | NEW-C 83-08-081 | 315-20-100 | NEW-C 83-10-073  | 332-24-095 | NEW 83-10-036    |
| 315-12-040 | NEW-C 83-10-068 | 315-20-100 | NEW 83-13-081    | 332-24-250 | REP-P 83-07-068  |
| 315-12-040 | NEW 83-13-080   | 315-20-100 | NEW-P 83-08-074  | 332-24-250 | REP 83-10-036    |
| 315-12-050 | NEW-C 83-05-028 | 315-20-110 | NEW-C 83-10-073  | 332-24-260 | REP-P 83-07-068  |
| 315-12-050 | NEW-C 83-08-081 | 315-20-110 | NEW 83-13-081    | 332-24-260 | REP 83-10-036    |
| 315-12-050 | NEW-C 83-10-068 | 315-20-110 | NEW-P 83-08-074  | 332-24-260 | REP-P 83-07-068  |
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| 315-12-060 | NEW-C 83-05-028 | 315-20-120 | NEW 83-13-081    | 332-24-270 | REP 83-10-036    |
| 315-12-060 | NEW-C 83-08-081 | 315-20-130 | NEW-P 83-08-074  | 332-24-280 | REP-P 83-07-068  |
| 315-12-060 | NEW-C 83-10-068 | 315-20-130 | NEW-C 83-10-073  | 332-24-280 | REP 83-10-036    |
| 315-12-060 | NEW 83-13-080   | 315-20-130 | NEW 83-13-081    | 332-24-290 | REP-P 83-07-068  |
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| 332-100-040 | AMD-E 83-11-007  | 356-14-250 | AMD 83-15-047    | 360-19-040 | NEW-P 83-16-064 |
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| 388-95-215 | REP-P | 83-09-046 | 388-96-216 | AMD-P | 83-14-046 | 388-96-719  | AMD-P | 83-14-046 |
| 388-95-215 | REP   | 83-12-059 | 388-96-216 | AMD-E | 83-14-056 | 388-96-719  | AMD-E | 83-14-056 |
| 388-95-225 | REP-P | 83-09-046 | 388-96-219 | REP-P | 83-14-046 | 388-96-720  | REP-P | 83-14-046 |
| 388-95-225 | REP   | 83-12-059 | 388-96-219 | REP-E | 83-14-056 | 388-96-720  | REP-E | 83-14-056 |
| 388-95-235 | REP-P | 83-09-046 | 388-96-220 | NEW-P | 83-14-046 | 388-96-722  | AMD-P | 83-14-046 |
| 388-95-235 | REP   | 83-12-059 | 388-96-220 | NEW-E | 83-14-056 | 388-96-722  | AMD-E | 83-14-056 |
| 388-95-255 | REP-P | 83-09-046 | 388-96-221 | NEW-P | 83-14-046 | 388-96-727  | AMD-P | 83-14-046 |
| 388-95-255 | REP   | 83-12-059 | 388-96-221 | NEW-E | 83-14-056 | 388-96-727  | AMD-E | 83-14-056 |
| 388-95-260 | REP-P | 83-09-046 | 388-96-222 | AMD   | 83-05-007 | 388-96-735  | AMD-P | 83-14-046 |
| 388-95-260 | REP   | 83-12-059 | 388-96-222 | REP-P | 83-14-046 | 388-96-735  | AMD-E | 83-14-056 |
| 388-95-265 | REP-P | 83-09-046 | 388-96-222 | REP-E | 83-14-056 | 388-96-743  | AMD-P | 83-14-046 |
| 388-95-265 | REP   | 83-12-059 | 388-96-223 | REP-P | 83-14-046 | 388-96-743  | AMD-E | 83-14-056 |
| 388-95-270 | REP-P | 83-09-046 | 388-96-223 | REP-E | 83-14-056 | 388-96-750  | AMD-P | 83-14-046 |
| 388-95-270 | REP   | 83-12-059 | 388-96-224 | NEW-P | 83-14-046 | 388-96-750  | AMD-E | 83-14-056 |
| 388-95-280 | REP-P | 83-09-046 | 388-96-224 | NEW-E | 83-14-056 | 388-96-760  | AMD-P | 83-14-046 |
| 388-95-280 | REP   | 83-12-059 | 388-96-225 | AMD   | 83-05-007 | 388-96-760  | AMD-E | 83-14-056 |
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| 388-95-300 | NEW   | 83-12-059 | 388-96-225 | REP-E | 83-14-056 | 388-96-772  | REP-E | 83-14-056 |
| 388-95-320 | NEW-P | 83-09-046 | 388-96-226 | NEW-P | 83-14-046 | 388-96-773  | NEW-P | 83-14-046 |
| 388-95-320 | NEW   | 83-12-059 | 388-96-226 | NEW-E | 83-14-056 | 388-96-773  | NEW-E | 83-14-056 |
| 388-95-340 | NEW-P | 83-09-046 | 388-96-227 | AMD   | 83-05-007 | 388-96-807  | AMD-P | 83-14-046 |
| 388-95-340 | NEW   | 83-12-059 | 388-96-227 | REP-P | 83-14-046 | 388-96-807  | AMD-E | 83-14-056 |
| 388-95-360 | NEW-P | 83-09-046 | 388-96-227 | REP-E | 83-14-056 | 388-96-813  | AMD-P | 83-14-046 |
| 388-95-360 | NEW   | 83-12-059 | 388-96-228 | NEW-P | 83-14-046 | 388-96-813  | AMD-E | 83-14-056 |
| 388-95-360 | AMD-P | 83-14-062 | 388-96-228 | NEW-E | 83-14-056 | 388-96-816  | AMD-P | 83-14-046 |
| 388-95-360 | AMD-E | 83-14-063 | 388-96-229 | NEW-P | 83-14-046 | 388-96-816  | AMD-E | 83-14-056 |
| 388-95-360 | AMD   | 83-17-093 | 388-96-229 | NEW-E | 83-14-056 | 388-99-020  | AMD-P | 83-14-045 |
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| 388-95-380 | NEW   | 83-12-059 | 388-96-310 | NEW-E | 83-14-056 | 388-99-020  | AMD   | 83-17-094 |
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| 388-95-390 | NEW   | 83-12-059 | 388-96-369 | AMD-E | 83-14-056 | 388-99-035  | AMD   | 83-13-071 |
| 388-95-400 | NEW-P | 83-09-046 | 388-96-372 | AMD-P | 83-14-046 | 388-99-045  | AMD-P | 83-09-046 |
| 388-95-400 | NEW   | 83-12-059 | 388-96-372 | AMD-E | 83-14-056 | 388-99-045  | REP   | 83-12-059 |
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| 388-96-010 | AMD-E | 83-14-056 | 388-96-521 | AMD-E | 83-14-056 | 388-100-005 | AMD-P | 83-10-081 |
| 388-96-020 | AMD-P | 83-14-046 | 388-96-523 | AMD-P | 83-14-046 | 388-100-005 | AMD   | 83-13-071 |
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| 388-100-035 | AMD-E | 83-14-051 | 392-138-047 | NEW-P | 83-14-089 | 392-163-005 | REP-P | 83-04-054 |
| 388-100-035 | AMD   | 83-17-071 | 392-138-050 | AMD-P | 83-14-089 | 392-163-005 | REP-P | 83-14-091 |
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| 389-12-050  | AMD-E | 83-13-017 | 392-139-005 | AMD-P | 83-14-090 | 392-163-110 | NEW-P | 83-04-054 |
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| 390-20-146  | NEW-C | 83-17-034 | 392-140-010 | AMD-P | 83-14-009 | 392-163-140 | NEW   | 83-08-030 |
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| 392-101-005 | AMD   | 83-17-057 | 392-140-011 | AMD   | 83-17-059 | 392-163-142 | NEW   | 83-08-030 |
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| 392-123-054 | AMD-P | 83-17-056 | 392-140-015 | AMD-P | 83-14-009 | 392-163-175 | NEW   | 83-08-030 |
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| 392-123-078 | AMD-P | 83-17-056 | 392-140-017 | AMD   | 83-17-059 | 392-163-190 | NEW-P | 83-04-054 |
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| 392-123-095 | AMD-P | 83-17-056 | 392-140-018 | AMD   | 83-17-059 | 392-163-195 | NEW   | 83-08-030 |
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| 392-123-170 | NEW-P | 83-17-056 | 392-140-020 | AMD-E | 83-13-052 | 392-163-205 | NEW   | 83-08-030 |
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| 392-137-010 | AMD   | 83-17-067 | 392-140-021 | AMD-P | 83-14-009 | 392-163-215 | NEW   | 83-08-030 |
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| 392-137-060 | AMD   | 83-17-067 | 392-143-010 | AMD-P | 83-17-109 | 392-163-240 | NEW   | 83-08-030 |
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| 458-40-18696 | NEW-P | 83-11-037 | 458-57-190 | REP   | 83-17-033 | 458-57-580  | NEW-P | 83-13-120 |
| 458-40-18696 | NEW-E | 83-14-039 | 458-57-200 | REP-P | 83-13-120 | 458-57-580  | NEW   | 83-17-033 |
| 458-40-18696 | NEW   | 83-14-040 | 458-57-200 | REP   | 83-17-033 | 458-57-590  | NEW-P | 83-13-120 |
| 458-40-19000 | AMD-P | 83-11-037 | 458-57-210 | REP-P | 83-13-120 | 458-57-590  | NEW   | 83-17-033 |
| 458-40-19000 | AMD-E | 83-14-039 | 458-57-210 | REP   | 83-17-033 | 458-57-600  | NEW-P | 83-13-120 |
| 458-40-19000 | AMD   | 83-14-040 | 458-57-220 | REP-P | 83-13-120 | 458-57-600  | NEW   | 83-17-033 |
| 458-40-19001 | AMD-P | 83-11-037 | 458-57-220 | REP   | 83-17-033 | 458-57-610  | NEW-P | 83-13-120 |
| 458-40-19001 | AMD-E | 83-14-039 | 458-57-230 | REP-P | 83-13-120 | 458-57-610  | NEW   | 83-17-033 |
| 458-40-19001 | AMD   | 83-14-040 | 458-57-230 | REP   | 83-17-033 | 458-57-620  | NEW-P | 83-13-120 |
| 458-40-19002 | AMD-P | 83-11-037 | 458-57-240 | REP-P | 83-13-120 | 458-57-620  | NEW   | 83-17-033 |
| 458-40-19002 | AMD-E | 83-14-039 | 458-57-240 | REP   | 83-17-033 | 458-57-630  | NEW-P | 83-13-120 |
| 458-40-19002 | AMD   | 83-14-040 | 458-57-250 | REP-P | 83-13-120 | 458-57-630  | NEW   | 83-17-033 |
| 458-40-19003 | AMD-P | 83-11-037 | 458-57-250 | REP   | 83-17-033 | 458-57-640  | NEW-P | 83-13-120 |
| 458-40-19003 | AMD-E | 83-14-039 | 458-57-260 | REP-P | 83-13-120 | 458-57-640  | NEW   | 83-17-033 |
| 458-40-19003 | AMD   | 83-14-040 | 458-57-260 | REP   | 83-17-033 | 458-57-650  | NEW-P | 83-13-120 |
| 458-40-19004 | AMD-P | 83-11-037 | 458-57-270 | REP-P | 83-13-120 | 458-57-650  | NEW   | 83-17-033 |
| 458-40-19004 | AMD-E | 83-14-039 | 458-57-270 | REP   | 83-17-033 | 458-57-660  | NEW-P | 83-13-120 |
| 458-40-19004 | AMD   | 83-14-040 | 458-57-280 | REP-P | 83-13-120 | 458-57-660  | NEW   | 83-17-033 |
| 458-40-19101 | AMD-P | 83-02-056 | 458-57-280 | REP   | 83-17-033 | 458-65-020  | NEW-E | 83-15-054 |
| 458-40-19101 | AMD   | 83-05-013 | 458-57-290 | REP-P | 83-13-120 | 458-65-020  | NEW-P | 83-15-055 |
| 458-53-051   | NEW-P | 83-13-047 | 458-57-290 | REP   | 83-17-033 | 458-65-030  | NEW   | 83-17-098 |
| 458-53-051   | NEW   | 83-16-050 | 458-57-300 | REP-P | 83-13-120 | 458-65-030  | NEW-E | 83-15-054 |
| 458-53-051   | NEW-E | 83-16-051 | 458-57-300 | REP   | 83-17-033 | 458-65-030  | NEW-P | 83-15-055 |
| 458-53-070   | AMD-P | 83-13-047 | 458-57-310 | REP-P | 83-13-120 | 458-65-030  | NEW   | 83-17-098 |
| 458-53-070   | AMD   | 83-16-050 | 458-57-310 | REP   | 83-17-033 | 458-65-040  | NEW-E | 83-15-054 |
| 458-53-070   | AMD-E | 83-16-051 | 458-57-320 | REP-P | 83-13-120 | 458-65-040  | NEW-P | 83-15-055 |
| 458-53-080   | AMD-P | 83-13-047 | 458-57-320 | REP   | 83-17-033 | 458-65-040  | NEW   | 83-17-098 |
| 458-53-080   | AMD   | 83-16-050 | 458-57-330 | REP-P | 83-13-120 | 460-10A-055 | REP-P | 83-15-040 |
| 458-53-080   | AMD-E | 83-16-051 | 458-57-330 | REP   | 83-17-033 | 460-10A-070 | REP-P | 83-15-040 |
| 458-53-090   | AMD-P | 83-13-047 | 458-57-340 | REP-P | 83-13-120 | 460-10A-075 | REP-P | 83-15-040 |
| 458-53-090   | AMD   | 83-16-050 | 458-57-340 | REP   | 83-17-033 | 460-10A-080 | REP-P | 83-15-040 |
| 458-53-090   | AMD-E | 83-16-051 | 458-57-350 | REP-P | 83-13-120 | 460-10A-090 | REP-P | 83-15-040 |
| 458-53-100   | AMD-P | 83-13-047 | 458-57-350 | REP   | 83-17-033 | 460-10A-095 | REP-P | 83-15-040 |
| 458-53-100   | AMD   | 83-16-050 | 458-57-360 | REP-P | 83-13-120 | 460-10A-100 | REP-P | 83-15-040 |
| 458-53-100   | AMD-E | 83-16-051 | 458-57-360 | REP   | 83-17-033 | 460-10A-105 | REP-P | 83-15-040 |
| 458-53-165   | NEW-P | 83-13-047 | 458-57-370 | REP-P | 83-13-120 | 460-10A-110 | REP-P | 83-15-040 |
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| 460-65A-110 | NEW   | 83-03-024 | 460-90A-080 | NEW-P | 83-03-056 | 468-42-027 | REP   | 83-09-038 |
| 460-65A-115 | NEW   | 83-03-024 | 460-90A-080 | NEW   | 83-06-076 | 468-42-028 | REP-P | 83-06-070 |
| 460-65A-125 | NEW   | 83-03-024 | 460-90A-090 | NEW-P | 83-03-056 | 468-42-028 | REP   | 83-09-038 |
| 460-90-100  | REP-P | 83-03-056 | 460-90A-090 | NEW   | 83-06-076 | 468-42-031 | REP-P | 83-06-070 |
| 460-90-100  | REP   | 83-06-076 | 460-90A-100 | NEW-P | 83-03-056 | 468-42-031 | REP   | 83-09-038 |
| 460-90-110  | REP-P | 83-03-056 | 460-90A-100 | NEW   | 83-06-076 | 468-42-090 | REP-P | 83-06-070 |
| 460-90-110  | REP   | 83-06-076 | 460-90A-105 | NEW-P | 83-03-056 | 468-42-090 | REP   | 83-09-038 |
| 460-90-120  | REP-P | 83-03-056 | 460-90A-105 | NEW   | 83-06-076 | 468-42-097 | REP-P | 83-06-070 |
| 460-90-120  | REP   | 83-06-076 | 460-90A-110 | NEW-P | 83-03-056 | 468-42-097 | REP   | 83-09-038 |
| 460-90-122  | REP-P | 83-03-056 | 460-90A-110 | NEW   | 83-06-076 | 468-42-099 | REP-P | 83-06-070 |
| 460-90-122  | REP   | 83-06-076 | 460-90A-120 | NEW-P | 83-03-056 | 468-42-099 | REP   | 83-09-038 |
| 460-90-125  | REP-P | 83-03-056 | 460-90A-120 | NEW   | 83-06-076 | 468-42-101 | REP-P | 83-06-070 |
| 460-90-125  | REP   | 83-06-076 | 460-90A-130 | NEW-P | 83-03-056 | 468-42-101 | REP   | 83-09-038 |
| 460-90-130  | REP-P | 83-03-056 | 460-90A-130 | NEW   | 83-06-076 | 468-42-104 | REP-P | 83-06-070 |
| 460-90-130  | REP   | 83-06-076 | 460-90A-140 | NEW-P | 83-03-056 | 468-42-104 | REP   | 83-09-038 |
| 460-90-140  | REP-P | 83-03-056 | 460-90A-140 | NEW   | 83-06-076 | 468-42-106 | REP-P | 83-06-070 |
| 460-90-140  | REP   | 83-06-076 | 460-90A-150 | NEW-P | 83-03-056 | 468-42-106 | REP   | 83-09-038 |
| 460-90-150  | REP-P | 83-03-056 | 460-90A-150 | NEW   | 83-06-076 | 468-42-125 | REP-P | 83-06-070 |
| 460-90-150  | REP   | 83-06-076 | 461-08-180  | AMD-C | 83-04-037 | 468-42-125 | REP   | 83-09-038 |
| 460-90-160  | REP-P | 83-03-056 | 461-08-180  | AMD   | 83-06-031 | 468-42-129 | REP-P | 83-06-070 |
| 460-90-160  | REP   | 83-06-076 | 463-28-060  | AMD-E | 83-04-023 | 468-42-129 | REP   | 83-09-038 |
| 460-90-170  | REP-P | 83-03-056 | 463-28-060  | AMD-P | 83-04-047 | 468-42-151 | REP-P | 83-06-070 |
| 460-90-170  | REP   | 83-06-076 | 463-28-060  | AMD-C | 83-08-014 | 468-42-151 | REP   | 83-09-038 |
| 460-90-180  | REP-P | 83-03-056 | 463-28-060  | AMD   | 83-08-031 | 468-42-153 | REP-P | 83-06-070 |
| 460-90-180  | REP   | 83-06-076 | 468-10-232  | NEW-P | 83-16-015 | 468-42-153 | REP   | 83-09-038 |
| 460-90-190  | REP-P | 83-03-056 | 468-10-234  | NEW-P | 83-16-015 | 468-42-161 | REP-P | 83-06-070 |
| 460-90-190  | REP   | 83-06-076 | 468-18-080  | AMD-E | 83-10-009 | 468-42-161 | REP   | 83-09-038 |
| 460-90-200  | REP-P | 83-03-056 | 468-18-080  | AMD-P | 83-10-010 | 468-42-164 | REP-P | 83-06-070 |
| 460-90-200  | REP   | 83-06-076 | 468-18-080  | AMD   | 83-13-099 | 468-42-164 | REP   | 83-09-038 |
| 460-90-300  | REP-P | 83-03-056 | 468-30-060  | AMD-P | 83-15-030 | 468-42-167 | REP-P | 83-06-070 |
| 460-90-300  | REP   | 83-06-076 | 468-38-010  | AMD-P | 83-12-009 | 468-42-167 | REP   | 83-09-038 |
| 460-90-310  | REP-P | 83-03-056 | 468-38-010  | AMD-E | 83-12-010 | 468-42-169 | REP-P | 83-06-070 |
| 460-90-310  | REP   | 83-06-076 | 468-38-010  | AMD   | 83-16-018 | 468-42-169 | REP   | 83-09-038 |
| 460-90-320  | REP-P | 83-03-056 | 468-38-070  | AMD-P | 83-12-009 | 468-42-202 | REP-P | 83-06-070 |
| 460-90-320  | REP   | 83-06-076 | 468-38-070  | AMD-E | 83-12-010 | 468-42-202 | REP   | 83-09-038 |
| 460-90-330  | REP-P | 83-03-056 | 468-38-070  | AMD   | 83-16-018 | 468-42-224 | REP-P | 83-06-070 |
| 460-90-330  | REP   | 83-06-076 | 468-38-080  | REP-P | 83-11-032 | 468-42-224 | REP   | 83-09-038 |
| 460-90-400  | REP-P | 83-03-056 | 468-38-090  | REP-P | 83-11-032 | 468-42-270 | REP-P | 83-06-070 |
| 460-90-400  | REP   | 83-06-076 | 468-38-090  | AMD-P | 83-12-009 | 468-42-270 | REP   | 83-09-038 |
| 460-90-410  | REP-P | 83-03-056 | 468-38-090  | AMD-E | 83-12-010 | 468-42-272 | REP-P | 83-06-070 |
| 460-90-410  | REP   | 83-06-076 | 468-38-090  | AMD   | 83-16-018 | 468-42-272 | REP   | 83-09-038 |
| 460-90-420  | REP-P | 83-03-056 | 468-38-120  | AMD-P | 83-12-009 | 468-42-290 | REP-P | 83-06-070 |
| 460-90-420  | REP   | 83-06-076 | 468-38-120  | AMD-E | 83-12-010 | 468-42-290 | REP   | 83-09-038 |
| 460-90-430  | REP-P | 83-03-056 | 468-38-120  | AMD   | 83-16-018 | 468-42-291 | REP-P | 83-06-070 |
| 460-90-430  | REP   | 83-06-076 | 468-38-290  | AMD-P | 83-12-009 | 468-42-291 | REP   | 83-09-038 |
| 460-90-440  | REP-P | 83-03-056 | 468-38-290  | AMD-E | 83-12-010 | 468-42-302 | REP-P | 83-06-070 |
| 460-90-440  | REP   | 83-06-076 | 468-38-290  | AMD   | 83-16-018 | 468-42-302 | REP   | 83-09-038 |
| 460-90-450  | REP-P | 83-03-056 | 468-38-440  | REP-P | 83-16-069 | 468-42-308 | REP-P | 83-06-070 |
| 460-90-450  | REP   | 83-06-076 | 468-42-002  | REP-P | 83-06-070 | 468-42-308 | REP   | 83-09-038 |
| 460-90-460  | REP-P | 83-03-056 | 468-42-002  | REP   | 83-09-038 | 468-42-395 | REP-P | 83-06-070 |
| 460-90-460  | REP   | 83-06-076 | 468-42-003  | REP-P | 83-06-070 | 468-42-395 | REP   | 83-09-038 |
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| 460-90-470  | REP   | 83-06-076 | 468-42-004  | REP-P | 83-06-070 | 468-42-401 | REP   | 83-09-038 |
| 460-90-480  | REP-P | 83-03-056 | 468-42-004  | REP   | 83-09-038 | 468-42-410 | REP-P | 83-06-070 |
| 460-90-480  | REP   | 83-06-076 | 468-42-005  | REP-P | 83-06-070 | 468-42-410 | REP   | 83-09-038 |
| 460-90-490  | REP-P | 83-03-056 | 468-42-005  | REP   | 83-09-038 | 468-42-501 | REP-P | 83-06-070 |
| 460-90-490  | REP   | 83-06-076 | 468-42-006  | REP-P | 83-06-070 | 468-42-501 | REP   | 83-09-038 |
| 460-90-500  | REP-P | 83-03-056 | 468-42-006  | REP   | 83-09-038 | 468-42-504 | REP-P | 83-06-070 |
| 460-90-500  | REP   | 83-06-076 | 468-42-007  | REP-P | 83-06-070 | 468-42-504 | REP   | 83-09-038 |
| 460-90-510  | REP-P | 83-03-056 | 468-42-007  | REP   | 83-09-038 | 468-42-507 | REP-P | 83-06-070 |
| 460-90-510  | REP   | 83-06-076 | 468-42-009  | REP-P | 83-06-070 | 468-42-507 | REP   | 83-09-038 |
| 460-90-900  | REP-P | 83-03-056 | 468-42-009  | REP   | 83-09-038 | 468-42-509 | REP-P | 83-06-070 |
| 460-90-900  | REP   | 83-06-076 | 468-42-011  | REP-P | 83-06-070 | 468-42-509 | REP   | 83-09-038 |
| 460-90A-010 | NEW-P | 83-03-056 | 468-42-011  | REP   | 83-09-038 | 468-42-512 | REP-P | 83-06-070 |
| 460-90A-010 | NEW   | 83-06-076 | 468-42-012  | REP-P | 83-06-070 | 468-42-512 | REP   | 83-09-038 |
| 460-90A-020 | NEW-P | 83-03-056 | 468-42-012  | REP   | 83-09-038 | 468-42-514 | REP-P | 83-06-070 |
| 460-90A-020 | NEW   | 83-06-076 | 468-42-014  | REP-P | 83-06-070 | 468-42-514 | REP   | 83-09-038 |
| 460-90A-030 | NEW-P | 83-03-056 | 468-42-014  | REP   | 83-09-038 | 468-42-515 | REP-P | 83-06-070 |
| 460-90A-030 | NEW   | 83-06-076 | 468-42-020  | REP-P | 83-06-070 | 468-42-515 | REP   | 83-09-038 |
| 460-90A-040 | NEW-P | 83-03-056 | 468-42-020  | REP   | 83-09-038 | 468-42-516 | REP-P | 83-06-070 |
| 460-90A-040 | NEW   | 83-06-076 | 468-42-022  | REP-P | 83-06-070 | 468-42-516 | REP   | 83-09-038 |
| 460-90A-050 | NEW-P | 83-03-056 | 468-42-022  | REP   | 83-09-038 | 468-42-520 | REP-P | 83-06-070 |
| 460-90A-050 | NEW   | 83-06-076 | 468-42-023  | REP-P | 83-06-070 | 468-42-520 | REP   | 83-09-038 |
| 460-90A-060 | NEW-P | 83-03-056 | 468-42-023  | REP   | 83-09-038 | 468-42-522 | REP-P | 83-06-070 |
| 460-90A-060 | NEW   | 83-06-076 | 468-42-024  | REP-P | 83-06-070 | 468-42-522 | REP   | 83-09-038 |
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| 468-42-526  | REP-P   | 83-06-070 | 480-62      | REVIEW | 83-11-003 | 504-17-140 | NEW   | 83-08-060 |
| 468-42-526  | REP     | 83-09-038 | 480-62-100  | AMD-P  | 83-06-075 | 504-17-150 | NEW   | 83-08-060 |
| 468-42-527  | REP-P   | 83-06-070 | 480-62-100  | AMD    | 83-09-004 | 504-17-160 | NEW   | 83-08-060 |
| 468-42-527  | REP     | 83-09-038 | 480-62-110  | NEW-P  | 83-06-020 | 504-17-170 | NEW   | 83-08-060 |
| 468-42-539  | REP-P   | 83-06-070 | 480-62-110  | NEW-W  | 83-09-005 | 504-17-180 | NEW   | 83-08-060 |
| 468-42-539  | REP     | 83-09-038 | 480-62-120  | NEW-P  | 83-06-021 | 504-17-190 | NEW   | 83-08-060 |
| 468-42-542  | REP-P   | 83-06-070 | 480-62-120  | NEW    | 83-09-003 | 504-17-200 | NEW   | 83-08-060 |
| 468-42-542  | REP     | 83-09-038 | 480-63      | REVIEW | 83-11-003 | 504-17-210 | NEW   | 83-08-060 |
| 468-42-543  | REP-P   | 83-06-070 | 480-66      | REVIEW | 83-11-003 | 504-17-220 | NEW   | 83-08-060 |
| 468-42-543  | REP     | 83-09-038 | 480-69      | REVIEW | 83-11-003 | 504-17-230 | NEW   | 83-08-060 |
| 468-42-901  | REP-P   | 83-06-070 | 480-70      | REVIEW | 83-11-003 | 504-17-240 | NEW   | 83-08-060 |
| 468-42-901  | REP     | 83-09-038 | 480-70-330  | AMD-P  | 83-03-055 | 504-17-250 | NEW   | 83-08-060 |
| 468-42-906  | REP-P   | 83-06-070 | 480-70-330  | AMD    | 83-06-015 | 504-17-900 | NEW   | 83-08-060 |
| 468-42-906  | REP     | 83-09-038 | 480-70-400  | AMD-P  | 83-03-055 | 504-17-910 | NEW   | 83-08-060 |
| 468-42-908  | REP-P   | 83-06-070 | 480-70-400  | AMD    | 83-06-015 | 504-17-930 | NEW   | 83-08-060 |
| 468-42-908  | REP     | 83-09-038 | 480-80      | REVIEW | 83-11-003 | 516-12-010 | REP-P | 83-09-040 |
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| 468-50-010  | REP-P   | 83-06-069 | 480-100     | REVIEW | 83-11-003 | 516-12-020 | REP   | 83-14-014 |
| 468-50-010  | REP     | 83-09-039 | 480-105     | REVIEW | 83-11-003 | 516-12-030 | REP-P | 83-09-040 |
| 468-58-120  | NEW-E   | 83-07-026 | 480-110     | REVIEW | 83-11-003 | 516-12-030 | REP   | 83-14-014 |
| 468-300-010 | AMD-P   | 83-04-052 | 480-120     | REVIEW | 83-11-003 | 516-12-040 | REP-P | 83-09-040 |
| 468-300-010 | READOPT | 83-07-062 | 480-120-046 | AMD-P  | 83-08-087 | 516-12-040 | REP   | 83-14-014 |
| 468-300-020 | AMD-P   | 83-04-052 | 480-120-046 | AMD    | 83-11-020 | 516-12-050 | REP-P | 83-09-040 |
| 468-300-020 | READOPT | 83-07-062 | 480-125     | NEW-C  | 83-17-039 | 516-12-050 | REP   | 83-14-014 |
| 468-300-030 | AMD-P   | 83-04-052 | 480-125-010 | NEW-P  | 83-14-023 | 516-12-060 | REP-P | 83-09-040 |
| 468-300-030 | READOPT | 83-07-062 | 480-125-020 | NEW-P  | 83-14-023 | 516-12-060 | REP   | 83-14-014 |
| 468-300-040 | AMD-P   | 83-04-052 | 480-125-030 | NEW-P  | 83-14-023 | 516-12-070 | REP-P | 83-09-040 |
| 468-300-040 | READOPT | 83-07-062 | 480-125-040 | NEW-P  | 83-14-023 | 516-12-070 | REP   | 83-14-014 |
| 468-300-070 | AMD-P   | 83-04-052 | 480-125-050 | NEW-P  | 83-14-023 | 516-12-073 | REP-P | 83-09-040 |
| 468-300-070 | READOPT | 83-07-062 | 480-125-060 | NEW-P  | 83-14-023 | 516-12-073 | REP   | 83-14-014 |
| 468-300-410 | AMD-P   | 83-10-005 | 480-125-070 | NEW-P  | 83-14-023 | 516-12-076 | REP-P | 83-09-040 |
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