

# Washington State Register

**MARCH 21, 1984**

**OLYMPIA, WASHINGTON**

**ISSUE 84-06**



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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

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates <sup>1</sup>			Distribution Date	First Agency Action Date <sup>3</sup>
	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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83-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
83-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
83-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1984
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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 84-06-001**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**GENERAL ADMINISTRATION**  
**(Division of Banking)**

[Order 59—Filed February 23, 1984]

I, L. O. Malmberg, Acting Supervisor of Banking, do promulgate and adopt at Olympia, Washington, the annexed rules relating to industrial loan companies, amending WAC 50-20-050.

This action is taken pursuant to Notice No. WSR 84-03-009 filed with the code reviser on January 6, 1984. 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 31.04.150 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 February 23, 1984.

By L. O. Malmberg, CFE  
Acting Supervisor of Banking

AMENDATORY SECTION (Amending Order 48, filed 12/1/82)

WAC 50-20-050 RESTRICTIONS AS TO CHARGES. (1) No company shall charge the borrower for notarial fees.

(2) No industrial loan company shall require the purchasing of property insurance from the company or any employee, affiliate or associate of the company or from any agent, broker, or insurance company designated by the company as a condition precedent to the making of a loan nor shall any company decline existing insurance which meets or exceeds the standards set forth in this section.

A company may provide insurance on the life and disability of one borrower and on the life of the spouse of the borrower if both are obligors, provided that such insurance coverage shall not exceed the approximate unpaid balance of the total amount repayable under contract of indebtedness scheduled to be outstanding. The premium or cost for all such insurance when written pursuant to the Washington insurance code and regulations issued thereunder, shall not be deemed interest, charges or consideration in connection with the loan transaction and any gain or advantage to the lender arising out of the premium or cost of the insurance or from its sale shall not be a violation of any provision of chapter 31.04. The amount of the premium or cost of such insurance may be included in the original loan amount and may be paid from the proceeds of the loan.

If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, the credit life

and/or accident and health insurance coverage shall be cancelled and a portion of the charge made for such insurance shall be rebated as provided by the Washington insurance code and regulations issued thereunder.

(3) No company shall make any charge for the filing, recording or releasing of mortgages or other instruments or for transferring title certificates to automobiles unless such charges are or are in fact to be paid out by the company to the proper officials for such filing, recording, transferring or releasing thereof.

(4) In the event a company makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of the existing loan, no charge for investigation fee shall be permitted(-), unless the investigation fee on the existing loan is refunded.

(5) Any note which is prepaid in full by cash, a new loan, refinancing, or otherwise before the final due date, the unearned portion of the interest shall be refunded using the sum of the digits method commonly known as the "Rule of 78's."

PROVIDED, HOWEVER, That in the case of any loan originally scheduled to be repaid in sixty-one months or more which is secured by an investment certificate, the refund of the unearned portion of the interest shall be computed as follows: Interest shall be considered earned at the single nominal annual percentage rate which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments due on the certificate and calculations were made according to the actuarial method. Interest earned so calculated up to the scheduled due date nearest the date of prepayment shall be subtracted from the original amount of interest included in the note and the balance of such interest shall be refunded.

For purposes of this calculation only, the original principal amount of the loan shall be deemed to be the amount of the total note less the interest deducted in advance. Actuarial method means the method of allocating payments made between principal and interest whereby a payment is applied first to the interest accumulated to date and the remainder then applied to the unpaid principal amount. In computing an actuarial refund, the lender may round the single annual percentage rate used to the nearest quarter of one percent.

In computing any required refund, any prepayment made on or before the fifteenth day following the scheduled payment date on the investment certificate shall be deemed to have been made on the payment date preceding such prepayment. In the case of prepayment prior to the first installment date, the company may retain an amount not to exceed 1/30 of the first month's interest charge for each date between the origination date of the loan and the actual date of prepayment.

**WSR 84-06-002**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF LICENSING**  
**(Real Estate Commission)**  
[Memorandum—February 9, 1984]

The Director of Licensing hereby gives notice, as required by RCW 42.30.075, of a special meeting of the Washington State Real Estate Commission as follows: February 27, 1984, Sea-Tac Crest Motor Inn, Room 104, 18845 Pacific Highway South, Seattle, Washington, 10:00 a.m.

This is an open meeting and the public is encouraged to attend.

**WSR 84-06-003**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1984 No. 6**  
[February 23, 1984]

**DISTRICTS—PORTS—TAXATION—ELECTIONS—NECESSITY FOR VOTER APPROVAL OF CERTAIN PORT DISTRICT TAX LEVIES**

Voter approval only constitutes a condition precedent to continuation of a port district tax levy under RCW 53.36.100, after the sixth year of the levy, in those instances where, in response to publication of the district's notice of intent to continue the levy, a sufficient petition in opposition thereto has been circulated and filed with the count auditor.

**Requested by:**

Honorable Ralph Munro  
Secretary of State  
Legislative Building  
Olympia, Washington 98504

**WSR 84-06-004**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**  
[Filed February 24, 1984]

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

- Amd WAC 251-04-020 Definitions (temporary appointment, temporary assignment, temporary employment, temporary employee, temporary position, part-time employment, student employee, temporary duties), separate proposals to identify and define positions and employees of higher education institutions which are exempt from coverage of Title 251 WAC.
- Amd WAC 251-04-040 Exemptions, four different proposals regarding the requirements for exemption of student, temporary and part-time employees.
- Amd WAC 251-18-350 Appointment—Temporary, two separate

- New WAC 251-18-315 proposals to establish the provisions of temporary appointments/employment. Appointment—Interim, to provide mechanism for filling vacant classified positions on an interim basis.
- New WAC 251-18-355 Assignment—Temporary, two separate proposals to clarify the conditions of temporary assignment.
- New WAC 251-18-361 Appointment—Leave of absence/replacement, two separate proposals to establish conditions of appointments made to perform the work of employees on leave;

that the agency will at 9:00 a.m., Friday, April 20, 1984, in the Board Room, Clark College, Vancouver, 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 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 20, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR 83-18-064, 83-22-061 and 84-02-067 filed with the code reviser's office on September 7, 1983, November 2, 1983, and January 4, 1984.

Dated: February 24, 1984

By: John A. Spitz  
Director

**WSR 84-06-005**  
**EMERGENCY RULES**  
**DEPARTMENT OF GAME**  
**(Game Commission)**  
[Order 233—Filed February 24, 1984]

Be it resolved by the Washington State Game Commission, acting at Olympia, by conference call, that it does adopt the annexed rules relating to season extension for steelhead fishing on the Quillayute and Hoh River systems, WAC 232-28-60605.

We, the 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 harvestable wild steelhead remain in the non-Indian allocations for the Quillayute and Hoh River systems. Liberalizing the recreational angling regulations on these rivers will provide additional opportunity for sport fishermen to take their rightful share.

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

This rule is promulgated pursuant to RCW 77.12.150 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 February 24, 1984.

By Vern E. Ziegler  
Chairman, Game Commission

#### NEW SECTION

**WAC 232-28-60605 SEASON EXTENSION FOR STEELHEAD FISHING ON THE QUILLAYUTE AND HOH RIVER SYSTEMS.** Notwithstanding the provisions of WAC 232-28-613, effective February 29, 1984, the following regulation changes will be in effect.

Quillayute River, through April 15, TROUT; catch limit - 2; min. lgth. - 10".

Bogachiel River, from the mouth to the National Park boundary, through April 15, TROUT; catch limit - 2; min. lgth. - 10".

Calawah River, from the mouth to the forks, through April 15, TROUT; catch limit - 2; min. lgth. - 10".

Dickey River, through April 15, TROUT; catch limit - 2; min. lgth. - 10".

Solduc River, from the mouth to Snider Creek at the Snider Creek Ranger Station, through April 15, TROUT; catch limit - 2; min. lgth. - 10".

Hoh River, from the mouth to Olympic National Park boundary, through April 15, TROUT; catch limit - 2; min. lgth. - 10".

#### **WSR 84-06-006**

#### **NOTICE OF PUBLIC MEETINGS WESTERN WASHINGTON UNIVERSITY**

[Memorandum—February 24, 1984]

The regular meeting of the board of trustees of Western Washington University scheduled for Thursday, March 1, 1984, at 1:30 p.m. in Old Main 340 of the Western Washington University campus in Bellingham, has been cancelled.

#### **WSR 84-06-007**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 84-12—Filed February 24, 1984]

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 a harvestable surplus of adult pacific hake is available.

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

This rule is promulgated pursuant to RCW 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 February 24, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

**WAC 220-48-01500I PACIFIC WHITING TRAWL OPENING.** Notwithstanding the provisions of WAC 220-48-015, WAC 220-48-017 and WAC 220-48-019, effective immediately

(1) It is unlawful to take, fish for or possess Pacific whiting taken with bottom trawl, pelagic trawl or roller trawl from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Area 24C.

(2) It is unlawful to take or fish for Pacific whiting taken with bottom trawl, beam trawl, pelagic trawl or roller trawl from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24B or 26A except on Monday, February 27, 1984 and unlawful to possess Pacific whiting taken from Puget Sound Marine Fish-Shellfish Management and Catch Reporting Areas 24B or 26A except when taken legally as provided in this subsection.

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

#### REPEALER

The following section of the Washington Administrative Code is repealed:

**WAC 220-48-01500H PACIFIC WHITING TRAWL CLOSURE (84-07)**

#### **WSR 84-06-008**

#### **EMERGENCY RULES**

#### **DEPARTMENT OF FISHERIES**

[Order 84-13—Filed February 24, 1984]

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 rule is made pursuant to the Columbia River Compact.

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

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

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

APPROVED AND ADOPTED February 24, 1984.

By Gary C. Alexander  
for William R. Wilkerson  
Director

### NEW SECTION

**WAC 220-32-03000I GILL NET SEASON.** *Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031, WAC 220-32-032 and WAC 220-32-036, it is unlawful to take, fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except in those areas, at those times and with the gear designated below:*

*Areas 1A, 1B, 1C including those waters of the Columbia River adjacent to the mouth of the Cowlitz River and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River.*

*Immediately until 6:00 p.m. February 24, 1984.*

*12:00 noon February 26 until 6:00 p.m. March 2, 1984.*

*12:00 noon March 4 until 6:00 p.m. March 6, 1984.*

*8 inch minimum mesh restriction.*

### REPEALER

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

**WAC 220-32-03000H Gill Net Season. (84-10)**

**WSR 84-06-009**

**ADOPTED RULES**

**DEPARTMENT OF CORRECTIONS**

[Order 84-03—Filed February 27, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to one time impact funds available to qualifying political subdivisions,

amending chapter 137-12A WAC and repealing chapter 137-12 WAC.

This action is taken pursuant to Notice No. WSR 84-03-014 filed with the code reviser on January 9, 1984. 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 72.02.040 and 72.72.040 which directs that the Department of Corrections has authority to implement the provisions of section 51(3), chapter 76, Laws of 1983 1st ex. sess.

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 February 27, 1984.

By Amos E. Reed  
Secretary

### Chapter 137-12A WAC ONE TIME IMPACT FUNDS AVAILABLE TO QUALIFYING POLITICAL SUBDIVISIONS

#### NEW SECTION

**WAC 137-12A-010 PURPOSE.** The legislature has appropriated \$1,480,000 solely for the one-time cost impact to communities associated with locating additional state correctional facilities. This chapter is intended to implement this appropriation by setting forth the procedure for applying for said funds.

#### NEW SECTION

**WAC 137-12A-020 DEFINITIONS.** As used in this chapter, the following items shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections.

(2) "Department" shall mean the department of corrections.

(3) "Inmate" shall mean individuals sentenced to the custody of the department under state law and inmates transferred from other states or the federal government.

(4) "Institution" shall mean all those facilities set forth in RCW 72.01.050(2) and all community residential programs under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

(5) "Political subdivision" shall mean any city, town, county or other unit of local government.

(6) "Additional correctional facility" shall mean (a) new buildings constructed at a new location for use in housing or servicing inmates; (b) new buildings constructed on the grounds of an existing institution for use in housing or servicing inmates; and/or (c) preexisting buildings heretofore not used by the department as a correctional facility which are reopened for use in housing or servicing inmates.

(7) All references to the singular shall include the plural unless noted otherwise.



NEW SECTION

WAC 137-12A-030 **ELIGIBILITY.** Counties, cities, and towns are eligible for funding if an additional correctional facility is located in their jurisdiction.

NEW SECTION

WAC 137-12A-040 **FUNDING PRIORITY.** The impact committee established herein shall establish a priority of funding under this chapter. Funding shall be limited to documented impacts associated with the locating of additional correctional facilities.

NEW SECTION

WAC 137-12A-050 **APPLICATION PROCEDURE.** (1) Counties, cities, or towns must formally request funding under this chapter by submitting a request to:

Department of Corrections  
Office of Contracts and Regulations  
P.O. Box 9699  
Olympia, WA 98504

(2) Requests must include the documented impacts associated with the locating of the correctional facility in their jurisdiction. Impacts may include the following:

- (a) Criminal justice costs or impacts.
- (b) Social service or human service impacts.
- (c) Transportation, roads and utility impacts.
- (d) Other documented impacts.

(3) The burden of demonstrating the impact shall be on the requesting jurisdiction.

NEW SECTION

WAC 137-12A-060 **DEPARTMENT REVIEW COMMITTEE.** (1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) The deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator;
- (e) Capital programs administrator; and the
- (f) Senior assistant attorney general assigned to the department.

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

NEW SECTION

WAC 137-12A-070 **CONTRACTS.** Requests approved for funding under this chapter shall be evidenced in a written grant or contract document processed through the office of contracts and regulations and approved by the secretary and submitting jurisdiction.

NEW SECTION

WAC 137-12A-080 **IMPLIED CONSENT TO AUDIT.** (1) By submitting requests the requesting political subdivision agrees to maintain records which would support the request made for a period five years after the date of such request.

(2) If requested by the secretary, or his/her designee, the political subdivision shall make these records available for review and/or audit by the department.

NEW SECTION

WAC 137-12A-090 **LIMITATION OF FUNDING.** Funding under this chapter shall be available only to the maximum allocated by the legislature.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 137-12-010 **DEFINITIONS.**
- (2) WAC 137-12-020 **PURPOSE.**
- (3) WAC 137-12-030 **ELIGIBLE POLITICAL SUBDIVISIONS.**
- (4) WAC 137-12-040 **PERIOD OF FUNDING.**
- (5) WAC 137-12-050 **FUNDING PRIORITY.**
- (6) WAC 137-12-060 **BILLING PROCEDURE.**
- (7) WAC 137-12-070 **CUTOFF DATE.**
- (8) WAC 137-12-080 **REVIEW COMMITTEE.**
- (9) WAC 137-12-090 **SPECIAL AUTHORIZATIONS.**

**WSR 84-06-010**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
**(Board of Boiler Rules)**

[Filed February 27, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries, Board of Boiler Rules, intends to adopt, amend, or repeal rules concerning WAC 296-104-200 Standards for new construction, to add addenda to 1983 ASME Boiler and Pressure Vessel Code, 1980 B31.3 for oil and chemical plants, and 1983 ANSI B31.1 for nonnuclear construction. WAC 296-104-700 changes the inspection fee for automatic hot water supply heaters from \$12.00 to \$5.00. Upon breaking out the \$10.00 inspection certificate portion from the inspection fee, the current rule leaves the inspection revenue at \$2.00 which is inadequate to cover the inspection costs. The new fee is \$10.00 for certification and \$5.00 for inspection, for a total of \$15.00. Further, the language "by a special inspector employed by an authorized insurance company or user/owner" is deleted because the department wants the separate inspection certificate billing to apply whether the inspection is made by a special inspector or a deputy inspector. The department also needs the additional revenue to cover the inspection costs;

that the agency will at 10:00 a.m., Wednesday, May 2, 1984, in the Conference Room, Department of Labor and Industries, 19435 West Valley Highway, Kent, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.79.030 and 70.79.330.

The specific statute these rules are intended to implement is RCW 70.79.030 and 70.79.330.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 2, 1984.

Written or oral submissions may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values, pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

George Folta  
 Chief Boiler Inspector  
 Building and Construction Safety Inspection Services  
 Department of Labor and Industries  
 300 W. Harrison Street  
 Seattle, WA 98119  
 (206) 281-5519

Dated: February 3, 1984

By: Spencer H. Bush  
 Chairman, Board of Boiler Rules

**STATEMENT OF PURPOSE**

Title and Number of Rule Sections or Chapters: Chapter 296-104 WAC, Boiler rules—substantive; includes WAC 296-104-200 Standards for new construction and 296-104-700 Inspection fees—Certificate fees—Expenses.

Statutory Authority: RCW 70.79.030 and 70.79.330.

Specific Statute that Rules are Intending to Implement: RCW 70.79.030 and 70.79.330.

Summary of the Rules: This notice proposes to amend WAC 296-104-200, Standards for new construction to add addenda to 1983 ASME Boiler and Pressure Vessel Code, 1980 ANSI B31.3 for oil and chemical plants, and 1983 ANSI B31.1 for nonnuclear construction. WAC 296-104-700 changes the inspection fee for automatic hot water supply heaters from \$12.00 to \$5.00. Upon breaking out the \$10.00 inspection certificate portion from the inspection fee, the current rule leaves the inspection revenue at \$2.00 which is inadequate to cover

the inspection costs. The new fee is \$10.00 for certification and \$5.00 for inspection, for a total of \$15.00. Further, the language "by a special inspector employed by an authorized insurance company or user/owner" is deleted because the department wants the separate inspection certificate billing to apply whether the inspection is made by a special inspector or a deputy inspector. The department also needs the additional revenue to cover inspection costs. WAC 296-104-700 changes the inspection fee from \$12.00 to \$5.00 for the inspection of automatic hot water heaters in accordance with RCW 70.70.090, and separates the \$10.00 inspection certificate fee from the inspection charges. The total fee for inspection of the automatic hot water heaters is thus \$15.00.

The Agency Employee Responsible for the Drafting, Implementation, and Enforcement of the Rules: George Folta, Chief Boiler Inspector, Building and Construction Safety Inspection Services, Department of Labor and Industries, 300 West Harrison Street, Seattle, Washington 98119, (206) 381-5519.

Name of the Person or Organization Whether Private, Public, or Governmental, that is Proposing the Rule: Department of Labor and Industries.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: These are basic rule changes that will not be difficult for an owner/user, manufacturer, or repair shop to comply with, and will provide up to date codes for the manufacturing of boilers, pressure vessels and piping.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

No small business impact statement is required because all businesses are equally affected.

**AMENDATORY SECTION** (Amending Order 82-36, filed 11/23/82, effective 1/1/83)

WAC 296-104-700 INSPECTION FEES—CERTIFICATE FEES—EXPENSES. The following fees shall be paid by, or on behalf of, the owner or user upon the completion of the inspection. The inspection fees apply to inspections made by inspectors employed by the state ((and include the certificate fee)).

	Internal	External
<b>Heating boilers:</b>		
Cast iron—All sizes	25.00	20.00
All other boilers less than 500 sq. ft.	30.00	20.00
500 sq. ft. to 2500 sq. ft.	50.00	25.00
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	20.00	10.00
<b>Power boilers:</b>		
Less than 100 sq. ft.	25.00	20.00
100 sq. ft. to less than 500 sq. ft.	30.00	20.00
500 sq. ft. to 2500 sq. ft.	50.00	25.00
Each additional 2500 sq. ft. of total heating surface, or any portion thereof	20.00	10.00

Pressure vessels:

Automatic utility hot water			((+2.00))
			<u>5.00</u>
supply heaters per RCW 70.79.090			
All other pressure vessels:			
Square feet shall be determined by multiplying the length of the shell by its diameter.			
	Internal	External	
Less than 15 sq. ft.	20.00	15.00	
15 sq. ft. to less than 50 sq. ft.	30.00	15.00	
50 sq. ft. to 100 sq. ft.	35.00	20.00	
For each additional 100 sq. ft. or any portion thereof	10.00	5.00	

Certificate of inspection fees: For objects inspected ((by a special inspector employed by an authorized insurance company or user owner)), the certificate of inspection fee is \$10.00 per object.

Nonnuclear shop inspections, field construction inspections, and special inspection services:

For each hour or part of an hour up to 8 hours	30.00
For each hour or part of an hour in excess of 8 hours	45.00

Nuclear shop inspections, nuclear field construction inspections, and nuclear triennial shop survey and audit:

For each hour or part of an hour up to 8 hours	45.00
For each hour or part of an hour in excess of 8 hours	70.00

Nonnuclear triennial shop survey and audit:

When state is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	30.00
For each hour or part of an hour in excess of 8 hours	45.00
When insurance company is authorized inspection agency:	
For each hour or part of an hour up to 8 hours	45.00
For each hour or part of an hour in excess of 8 hours	70.00

Expenses shall include:

Travel time and mileage: The department shall charge for its inspectors' travel time from their offices to the inspection sites and return. The travel time shall be charged for at the same rate as that for the inspection, audit, or survey. The department shall also charge 20 cents per mile or the actual cost of purchased transportation.  
Hotel and meals: Actual cost.

Reinspection fee: Same as the fee for the previous inspection during which discrepancies were reported. The fee will be charged only if the discrepancies are not corrected before the reinspection. The fee shall not exceed \$25.00.

Washington state specials: For each vessel to be considered by the board for a Washington state special certificate, a fee of \$300.00 must be paid to the department before the board meets to consider the vessel. The board may, at its discretion, prorate the fee when a number of vessels that are essentially the same are to be considered.

**AMENDATORY SECTION** (Amending Order 82-36, filed 11/23/82, effective 1/1/83)

WAC 296-104-200 STANDARDS FOR NEW CONSTRUCTION. The standards for new construction are the 1980 edition of the ASME boiler and pressure vessel code, the 1980 edition of ANSI B31.3 for oil and chemical plants, and the 1983 edition of ANSI B31.1

for other nonnuclear construction, with all addenda made to each code before ((November 1, 1982)) May 1, 1984. The ((1980)) 1983 code as applicable may be used on and after the date of issue and becomes mandatory twelve months after adoption by the board as defined in RCW 70.79.050(2). The board recognizes that the ASME code states that new editions of the code become mandatory on issue and that subsequent addenda become mandatory six months after the date of issue. Also, in circumstances such as nuclear systems the time period for addenda becoming mandatory is defined in the Code of Federal Regulations.

**WSR 84-06-011**  
**NOTICE OF PUBLIC MEETINGS**  
**TRAFFIC SAFETY COMMISSION**  
[Memorandum—February 27, 1984]

TIME/DATE: 10:00 a.m.—Thursday,  
March 1, 1984

PLACE: Governor's Conference Room  
Legislative Building  
Olympia, Washington

**WSR 84-06-012**  
**NOTICE OF PUBLIC MEETINGS**  
**WASHINGTON STATE UNIVERSITY**  
[Memorandum—February 24, 1984]

The Services and Activities Fee Committee of the Associated Students of Washington State University will hold meetings on the following dates during spring 1984:

- February 28
- March 6, 13, 20, 27
- April 3, 10, 17, 24
- May 8, 15, 22, 29

All Services and Activities Fee Committee meetings will begin at 3:45 p.m. in Room 232, Compton Union Building, Washington State University, Pullman, Washington 99164.

This revised schedule reflects the change in meeting times from 6:30 p.m. to 3:45 p.m. each week.

**WSR 84-06-013**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Memorandum—February 27, 1984]

The regularly scheduled monthly meeting of the State Personnel Board for the month of March has been cancelled. This meeting was scheduled for March 8, 1984.

The next regularly scheduled monthly meeting of the State Personnel Board will be on April 12, 1984 at 10:00 a.m. in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504.

**WSR 84-06-014**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2077—Filed February 28, 1984]

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—Mandatory monthly reporting, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 84-02-035 filed with the code reviser on December 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 74.08.510 [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 February 15, 1984.

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

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.

~~((e)) (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) Households, where there is little likelihood of change, shall be certified for up to six months.~~

~~(5) Households subject to monthly reporting shall be certified for six months or as provided in subsection (1) of this section.~~

~~(6) All other households shall be certified for up to three 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 ~~((1))~~ (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))~~ UNDER PROSPECTIVE BUDGETING. ~~((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:

(1) Except as provided in subsection (2) 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) ~~((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) 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) 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.))~~

## NEW SECTION

WAC 388-54-776 CERTIFICATION PERIODS—EFFECTING CHANGES DURING THE CERTIFICATION PERIOD UNDER RETROSPECTIVE BUDGETING. Changes from a report month shall be effective in the corresponding payment month of the FSMR cycle except:

(1) The addition or deletion of a household member shall be effective as in WAC 388-54-775.

(2) Changes in the public assistance grant which are to occur in the payment month shall be effective in the payment month. In conjunction with the receipt of a public assistance grant, the department shall disregard income received in the report month from a source which no longer provides income to the household: PROVIDED, That the household has reported the termination of the income at least ten days prior to the start of the payment month.

## 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. ((b) 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 84-06-015**  
ADOPTED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2078—Filed February 28, 1984]

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—Retrospective budgeting, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 84-02-034 filed with the code reviser on December 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 February 15, 1984.

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

NEW SECTION

WAC 388-54-601 DEFINITIONS. (1) Food stamp monthly reporting (FSMR) – The eligibility requirement for food stamp recipients to submit a monthly report of household circumstances.

(2) Compliance date – The last day in the process month that the Community Services Office (CSO) will process monthly status reports.

(3) Food stamp monthly reporting cycle – The three-month cycle consisting of the report month, process month, and the payment month.

(a) Report month – The first month of the FSMR cycle. The month for which the recipient reports his or her circumstances.

(b) Process month – The second month of the FSMR cycle. The month in which the MSR is to be returned by the client to the CSO.

(c) Payment month – The third month of the FSMR cycle. The month in which the food stamp allotment is affected by information reported on the monthly status report for the report month.

(4) Prospective budgeting – The computation of a household's income based on income which has been received or anticipated income the household and the department are reasonably certain will be received during the month of issuance.

(5) Prospective eligibility – The determination of eligibility based on prospective budgeting rules and other household circumstances anticipated during the month of issuance.

(6) Retrospective budgeting – The computation of a household's income for a payment month based on actual income which existed in the corresponding report month of the FSMR cycle.

(7) Retrospective eligibility – The determination of eligibility based on retrospective budgeting rules and other circumstances existing in the budget month.

(8) Beginning months – The month the household applies for food stamps and the month thereafter. An initial beginning month cannot follow a month in which a household was certified eligible to receive coupons.

NEW SECTION

WAC 388-54-728 INCOME ELIGIBILITY. (1) Eligibility shall be determined prospectively during the entire certification period for migrants and/or seasonal farmworkers.

(2) For all other households, eligibility shall be determined prospectively in the beginning months and retrospectively thereafter.

(3) When a household gains a new member, the department shall consider the member's income and circumstances prospectively for the first two months of participation.

AMENDATORY SECTION (Amending Order 1374, filed 3/1/79)

WAC 388-54-745 INCOME—((COMPUTATIONS)) BUDGETING. (1) ((The amount of)) For migrants or seasonal farmworkers, income to be counted in determining ((household eligibility and)) the basis of



~~coupon issuance shall be ((that income including salary advances which has been received or anticipated income the household and the department are reasonably certain will be received during the)) determined using prospective budgeting for the entire certification period.~~

~~((a) Wages held at the request of the employee shall be considered income in the month the wages would otherwise have been paid by the employer.~~

~~(b) Wages held by the employer as a general practice, even in violation of law, shall be counted as income to the household when received.~~

~~(2) Income received during the past 30 days shall be used as an indicator of the income that is and will be available to the household unless it has fluctuated so much it cannot be used.~~

~~(3) Income received on less than a monthly basis shall be converted into a monthly amount by multiplying the weekly amount by 4.3, and income received every two weeks shall be multiplied by 2.15 to determine monthly income.~~

~~(4) Households, except for destitute households and PA households subject to a monthly reporting requirement, may elect to have their income averaged.~~

~~(a) To average income, the department shall use the household's anticipation of income fluctuations over the certification period. The number of months used to arrive at the average income need not be the same as the number of months in the certification period.~~

~~(b) Households which by contract derive their annual income in a period of time shorter than one year shall have that income averaged over a 12-month period; provided the income from the contract is not received on an hourly or piecework basis. However, these provisions do not apply to migrant or seasonal farmworkers.))~~

~~(2) For all other households, income to be counted in determining the basis of coupon issuance shall be:~~

~~(a) Determined using prospective budgeting in the beginning months, except as provided in subsection (3) of this section;~~

~~(b) Determined using retrospective budgeting in months other than beginning months, except as provided in subsection (4) of this section.~~

~~(3) For prospective budgeting, the department shall:~~

~~(a) Count wages held at the request of the employee in the month wages would otherwise have been paid by the employer.~~

~~(b) Convert income received on less than a monthly basis into a monthly amount based on 4.3 weeks per month.~~

~~(c) At the option of the household, average income received less often than monthly, except for destitute households and public assistance households subject to monthly reporting.~~

~~(d) Notwithstanding subsection (3)(c) of this section, prorate the following income over the period of intended use:~~

~~(i) Self-employment income, except for individuals who are on an hourly wage or are paid on a piecework basis.~~

~~(ii) Income received by contract, except for migrants or seasonal farm workers.~~

~~(iii) Nonexcluded scholarships, deferred educational loans, and other educational grants.~~

~~(4) For retrospective budgeting, the department shall:~~

~~(a) Determine coupon allotment using the household composition as of the last day of the report month.~~

~~(b) Disregard income received in the beginning months from a source which no longer provides income to the household.~~

~~(c) Prorate nonexcluded scholarships, deferred educational loans, and other educational grants over the period of intended use.~~

~~(d) Determine coupon allotment and eligibility using the assistance grant to be received in the payment month of the FSMR cycle. In conjunction with the receipt of a public assistance grant, the department shall disregard income received in the report month from a source which no longer provides income to the household: PROVIDED, That the household has reported the termination of the income at least ten days prior to the start of the payment month.~~

~~(e) When a household gains a member, the income to be counted for the new member shall be determined prospectively for the first two months the individual is added to the food stamp household.~~

~~(5) Income deductions shall be determined as follows:~~

~~(a) Under prospective budgeting:~~

~~(i) Deductions shall be allowed only in the month the expense is billed or otherwise becomes due; amounts carried forward from past billing periods are not deductible, even if included with the most recent billing and actually paid by the household((-));~~

~~((b)) (ii) A household may elect to have expenses which fluctuate or are billed less often than monthly, averaged over the period the expense is to cover;~~

~~((c)) (iii) The department shall calculate a household's expenses on the basis of anticipated expenses.~~

~~((f)) (b) Under retrospective budgeting, the department shall ((not average past)) calculate a household's expenses, ((such)) as ((utility bills for the last several months, as a method of anticipating utility costs for the certification period)) billed or averaged from the corresponding report month.~~

#### WSR 84-06-016

#### EMERGENCY RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 2079—Filed February 28, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to transfer of juvenile offender to the department of corrections, new chapter 275-33 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 RCW 13.40.280.

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

This rule is promulgated pursuant to RCW 13.40.280 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 28, 1984.

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

Chapter 275-33 WAC  
**TRANSFER OF JUVENILE OFFENDER TO THE  
DEPARTMENT OF CORRECTIONS**

NEW SECTION

**WAC 275-33-010 PURPOSE.** *The purpose of this chapter is to establish standards and procedures for the conduct of review boards for juvenile offenders being considered for transfer to the department of corrections (DOC) from the department of social and health services in accordance with RCW 13.40.280.*

NEW SECTION

**WAC 275-33-020 NOTIFICATION TO JUVENILE.** *A juvenile being considered for transfer to DOC shall be notified in writing at least five days in advance of the review board hearing convened to consider the matter. Notification to the juvenile offender will include the reasons the transfer is being considered, and that the offender has the right to be represented by counsel before the review board.*

NEW SECTION

**WAC 275-33-030 COMPOSITION OF BOARD.** *The review board will be composed of the superintendent of the institution in which the offender resides and two other juvenile rehabilitation administrators appointed by the superintendent. The superintendent will convene and chair the board.*

NEW SECTION

**WAC 275-33-040 ATTENDANCE AT HEARING.** *Attendance at a review board shall be limited to parties directly concerned. The chairperson may exclude unauthorized persons unless the parties agree to their presence. Parties shall have the right to present evidence, cross-examine witnesses and make recommendations to the board. All relevant and material evidence is admissible which, in the opinion of the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.*

NEW SECTION

**WAC 275-33-050 CONSIDERATION OF EVIDENCE.** *At the conclusion of the hearing, the review board will consider all evidence presented and make a decision whether continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution.*

NEW SECTION

**WAC 275-33-060 RECORD OF DECISION.** *The chair of the review board will prepare a written record of the decision and reasons therefore. The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.*

**WSR 84-06-017**

**ADOPTED RULES**

**OFFICE OF MINORITY AND  
WOMEN'S BUSINESS ENTERPRISES**

[Order 84-4—Filed February 29, 1984]

I, Carolyn V. Patton, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at Olympia, the annexed rules relating to counting contract awards, WAC 326-30-100(4). This rule identifies the procedures state agencies and educational institutions will use to count contract awards with MWBE participation.

This action is taken pursuant to Notice No. WSR 84-03-048 filed with the code reviser on January 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 39.19 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 February 28, 1984.

By Carolyn V. Patton  
Director

AMENDATORY SECTION (Amending Order 83-7, filed January 5, 1984)

**WAC 326-30-100 AGENCY/EDUCATIONAL INSTITUTION REPORTING OF MWBE PARTICIPATION.** (1) Form. Each state agency and educational institution shall report the participation of MBEs and WBEs in the public works, personal service, and procurement contracts executed by the agency or educational institution. The reports shall be made on a quarterly basis and an annual basis. The reports should designate contracts individually or by class according to the agency's designation in its annual plan. The reports

shall also describe the agency's or educational institution's monitoring activity pursuant to sections 8 and 9, Chapter 120, laws of 1983.

(2) When participation should be reported. Participation by MBEs and WBEs should be reported both when the contract is awarded and when the money is disbursed. For contracts for procurement of goods and services, and personal services, the disbursement should be reported in the quarter in which it is made. For public works contracts, disbursement of funds under all contracts completed in the quarter should be reported, and the reports shall be accompanied by the affidavits of payment executed by the prime contractors for those contracts. Where the performance under a contract extends beyond the fiscal year in which it is awarded, all payments made on the contract will be counted toward the agency's or educational institution's annual overall goal attainment for the year in which it is awarded.

(3) Counting MWBE participation toward meeting goals.

(a) Award to MBE or WBE. When a contract is awarded, in its entirety, to an MBE or WBE, one hundred percent of the payments on the contract can be counted toward annual, overall goal attainment in the category in which the prime belongs.

(b) Award to MBE or WBE prime contractor with non-MWBE subcontractor. When a contract is awarded to an MBE or WBE prime contractor with a non-MWBE subcontractor, one hundred percent of the total contract value can be counted toward annual, overall goal attainment.

(c) Award to non-MWBE prime contractor with MWBE subcontractor. When only a part of the contract is performed by an MBE or WBE, subcontractor, the dollar value of only that percentage of the total contract performed by the MBE or WBE can be counted toward annual overall goal attainment.

(d) Award to MBE prime contractor with WBE subcontractor. When a contract is awarded to an MBE prime contractor with a WBE subcontractor, the dollar value of the percentage of the total contract performed by the WBE can be counted toward the agency's/educational institution's WBE goal attainment. The dollar value of the remainder of the contract can be counted toward attainment of the MBE goal.

(e) Award to WBE prime contractor with MBE subcontractor. When a contract is awarded to a WBE prime contractor with a MBE subcontractor, the dollar value of the percentage of the total contract performed by the MBE can be counted toward the agency's/educational institution's MBE goal attainment. The dollar value of the remainder of the contract can be counted toward attainment of the WBE goal.

(f) Joint venture. Where a contract is awarded to a joint venture that includes an MWBE that is responsible for performance of a clearly defined portion of the work, the dollar value, on a percentage basis, of the MWBE's portion of the work may be counted toward annual, overall goal attainment.

(g) Combination MWBE. Contracts performed totally by a combination MWBE, or partially by a combination MWBE shall be counted by dividing the total dollar

value of the contract or portion of contract performed by the combination MWBE by two. One-half of the dollar value will be counted toward the agency's/educational institution's attainment of the MBE goal and one-half will be counted toward the agency's/educational institution's attainment of the WBE goal when the contract contains both MBE and WBE requirements. When the contract contains only an MBE requirement or a WBE requirement, only one-half of the dollar value of the combination MWBE's participation shall be counted toward the agency's/educational institution's attainment of the goal.

(h) Counting participation by a minority WBE. The agency/institution must count participation by a minority female in only the category she designated in her bid. Her participation cannot be counted toward attainment of both overall annual goals.

(i) Substitution of MWBEs. When an MBE or WBE which has been awarded a contract is decertified after award or indicates after award that it is unable or unwilling to perform the contract, the agency/institution may not count the MWBE participation toward its overall annual goal attainment.

Where an MBE or WBE is decertified after it has begun to perform the work and the agency/institution determines substitution is impractical, only the percentage of the work performed by an MBE or WBE before the decertification can be counted toward the annual, overall goal attainment of the agency/institution.

Where a certified MBE or WBE is substituted for a decertified business or a business that indicates it is unwilling or unable to perform the work, the dollar value of the work performed by the certified business can be counted toward the agency/educational institution's goal attainment in that category.

(4) Counting Contract Awards. MWBE participation shall be counted toward meeting goals in accordance with the following criteria:

(a) Where only one state agency/educational institution is involved in setting goals and in the award of the contract, the total dollar value of the contract awarded to or that portion of the work performed by minority and women's business enterprises is counted toward the agency's/educational institution's applicable MBE/WBE goals.

(b) Where a contract is awarded by a state agency/educational institution acting as an agent for another state agency/educational institution, the goals set by the agent and the total dollar value of the contract awarded to or that portion of the contract work performed by minority and women's business enterprises is counted toward the agent's applicable MBE/WBE goals. This includes contracts awarded by agents in areas usually included under the agency's/educational institution's delegated authorities. Where agents set and count goals, the total dollar value of the contract is excluded from the requesting agency's/educational institution's contracting base.

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

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

**WSR 84-06-018**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**LABOR AND INDUSTRIES**  
 [Order 84-3—Filed February 29, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Director's Office, General Administration Building, Olympia, Washington 98504, the annexed rules relating to extra territorial reciprocal agreement for workers' compensation surety bonds in lieu of cash deposit requirements; and repeal of WAC 296-19-010 concerning workers' compensation coverage for state employees.

This action is taken pursuant to Notice No. WSR 84-02-059 filed with the code reviser on January 4, 1984. 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 51.04.020(1) which directs that the Department of Labor and Industries has authority to implement the provisions of Title 51 RCW, Industrial Insurance.

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 February 29, 1984.

By Sam Kinville  
 Director

**AMENDATORY SECTION** (Amending Order 74-29, filed 5/29/74, effective 7/1/74)

WAC 296-14-010 **RECIPROCAL AGREEMENTS—INDUSTRIAL INSURANCE.** (1) In accordance with the authority contained in RCW 51.12.120, the director of the department of labor and industries has heretofore or may hereafter enter into certain reciprocal agreements with other states and provinces of Canada and the agencies of such states or provinces which administer workers' compensation laws with respect to conflicts of jurisdiction and the assumption of jurisdiction in cases where the contract of employment arises in one state or province and the injury occurs in another.

(2) Consistent with the provisions of RCW 51.12.120 and chapter 34.04 RCW, the director of the department of labor and industries has entered into reciprocal agreements with other states and provinces which are in full force and effect on the subject matter as set forth in subsection (1) which states and provinces are:

- (a) Colorado
- (b) Idaho
- (c) Montana
- (d) North Dakota

- (e) Nevada
- (f) Oregon
- (g) Wyoming
- (h) South Dakota
- (i) New Mexico

(3) The reciprocal agreements as listed above in subsection (2) are hereby promulgated and adopted as regulations of the department in accordance with the provisions of RCW 51.12.120 and such reciprocal agreements shall be kept on file in the office of the director of the department of labor and industries and available for public inspection and review during the regular business hours of such office.

**NEW SECTION**

WAC 296-17-35101 **EMPLOYER'S SURETY BOND IN LIEU OF A CASH DEPOSIT** The Department may, in its discretion, accept an employer's surety bond to the State of Washington in lieu of a cash deposit as provided for in RCW 51.16.110. Such employer's surety bond must be on the prescribed forms authorized by the Department. Such employer's surety bond shall be in \$1,000.00 increments and based on estimated premiums covering three full calendar months of operations. The dollar value of the surety bond will be calculated such that the amount of the surety is rounded to the highest \$1,000 increment. Provided further, that any employer securing a surety bond in lieu of a cash deposit will maintain such bonds for a minimum of three full calendar years representing twelve full reporting quarters in accordance with WAC 296-17-351 unless such an employer ceases to be an employer subject to this title.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-19-010 **GENERAL ORDER.**

**WSR 84-06-019**  
**ADOPTED RULES**  
**SUPERINTENDENT OF**  
**PUBLIC INSTRUCTION**  
 [Order 84-6—Filed February 29, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Special service programs—Chapter 2 of the Education Consolidation and Improvement Act of 1981, financial assistance to local school districts, chapter 392-165 WAC.

This action is taken pursuant to Notice Nos. WSR 84-02-022 and 84-05-015 filed with the code reviser on December 29, 1983, and February 9, 1984. 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 February 27, 1984.

By Frank B. Brouillet  
Superintendent of Public Instruction

Chapter 392-165 WAC

**SPECIAL SERVICE PROGRAMS—CHAPTER 2  
OF THE EDUCATION CONSOLIDATION AND  
IMPROVEMENT ACT OF 1981, FINANCIAL AS-  
SISTANCE TO LOCAL SCHOOL DISTRICTS**

NEW SECTION

WAC 392-165-100 **AUTHORITY.** The authority for this chapter is RCW 28A.02.100 which authorizes the superintendent of public instruction to receive federal funds on behalf of school districts of the state of Washington and to disburse such funds in accordance with federal law and accompanying federal rules and regulations.

NEW SECTION

WAC 392-165-105 **PURPOSE.** The purpose of this chapter is to ensure compliance by the state of Washington, including the superintendent of public instruction and local school districts, with the provisions of Public Law 97-35, Title V, Subtitle D, Chapter 2—commonly referred to as Chapter 2 of the Education Consolidation and Improvement Act of 1981, — and its implementing regulations, particularly 34 CFR Part 298.

NEW SECTION

WAC 392-165-110 **ACCOUNTABILITY.** Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable statutes, rules and regulations.

NEW SECTION

WAC 392-165-115 **DEFINITION—CHAPTER 2.** As used in this chapter, the term "Chapter 2" shall mean that part of Public Law 97-35 which is commonly referred to as Chapter 2 of the Education Consolidation and Improvement Act of 1981.

NEW SECTION

WAC 392-165-120 **DEFINITION—ACCOUNTING MANUAL.** As used in this chapter, the term "accounting manual" shall mean the Accounting Manual for Public School Districts in the state of Washington issued September 1983, by the superintendent of public instruction and the state auditor.

NEW SECTION

WAC 392-165-125 **DEFINITION—OBJECT OF EXPENDITURE.** As used in this chapter the term "object of expenditure" shall be as defined in the Accounting Manual glossary of terms (i.e., "the article purchased or the service obtained . . ."). For financial accounting purposes, "object of expenditure" shall be defined further as the third field of uniform expenditure classification established in the Accounting Manual.

NEW SECTION

WAC 392-165-130 **DEFINITION—ACTIVITY.** As used in this chapter, the term "activity(ies)" shall be as defined in the Accounting Manual glossary of terms (i.e., a "specific line of work carried on by a school district in order to perform its mission"). For financial accounting purposes "activity" shall be defined further as the second field of uniform expenditure classification established in the Accounting Manual for Chapter 2 shall include all activities listed on Form SPI F-1000B CH.-2 (Chapter 2 Federal Project Budget).

NEW SECTION

WAC 392-165-135 **DEFINITION—PROGRAM.** As used in this chapter, the term "program" shall be as defined in the Accounting Manual glossary of terms (i.e., "a plan of activities designed to accomplish a set of objectives"). For financial accounting purposes, "program" shall be defined further as the first field of uniform expenditure classification established in the Accounting Manual and for Chapter 2 shall include all approved activities supported by Chapter 2 moneys.

NEW SECTION

WAC 392-165-140 **DEFINITION—DIRECT EXPENDITURE.** As used in this chapter, the term "direct expenditure" shall be as defined for "direct expenditure" in the Accounting Manual glossary of terms (i.e., "those elements of cost which can be easily, obviously and conveniently identified with specific programs, . . .").

NEW SECTION

WAC 392-165-142 **DEFINITION—INDIRECT EXPENDITURE.** As used in this chapter, the term "indirect expenditure" shall be as defined in the Accounting Manual glossary of terms (i.e., "those expenditure elements that cannot be easily, obviously and conveniently identified with specific programs . . ."). For Chapter 2 each district shall be entitled to the restricted indirect expenditure rate established and disseminated annually to school districts by the superintendent of public instruction.

NEW SECTION

WAC 392-165-145 **DEFINITION—REVENUE ACCOUNT.** As used in this chapter, the term "revenue account" shall be as defined in the Accounting Manual glossary of terms (i.e., "account" being "a descriptive heading under which are recorded financial

transactions . . ." and "revenue" being "additions to the assets of a fund of a school district during a fiscal period that is available to finance the fund's expenditures during the fiscal period." In addition "revenue does not accompany the increase of liabilities or represent refunds of previous disbursements").

#### NEW SECTION

WAC 392-165-170 DEFINITION—PROJECT. As used in this chapter, the term "project" either shall mean all activities supported with Chapter 2 moneys in either a particular school building or combination of school buildings.

#### NEW SECTION

WAC 392-165-180 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 and persons who are of preschool age.

#### NEW SECTION

WAC 392-165-210 DEFINITION—INSTRUCTIONAL STAFF. As used in this chapter, the term "instructional staff" shall mean certificated and classified persons whose services deal directly with or aid in the teaching of students or in improving teaching learning activities, and who are identified in the Accounting Manual under Activity 22, Learning Resources; Activity 23, Principals; Activity 24, Guidance and Counseling; Activity 25, Psychological, Speech and Hearing Services; and Activity 27, Teaching.

#### NEW SECTION

WAC 392-165-240 DEFINITION—BASIC SKILLS. As used in this chapter, the term "basic skills" shall mean skills in reading, communication and mathematics as well as readiness activities associated with such skills.

#### NEW SECTION

WAC 392-165-245 DEFINITION—SUPPLEMENT. As used in this chapter, the term "supplement" shall mean an increase in the level of expenditures for a project as a result of the expenditure of Chapter 2 moneys.

#### NEW SECTION

WAC 392-165-260 DEFINITION—CONSULTATION WITH PARENTS AND EDUCATORS AND OTHER INTERESTED PARTIES. As used in this chapter, the term "consultation with parents and educators and other interested parties" shall mean planned, systematic contact with parents, teachers, and administrators of children being served by Chapter 2, — including parents, teachers, and administrators of served private school children, — other interested parents, teachers, administrators, groups, and parties in the design and implementation of the Chapter 2 program, including discussion of program revenue and expenditures.

#### NEW SECTION

WAC 392-165-265 DEFINITION—PRIVATE SCHOOLS. As used in this chapter, the term "private schools" shall mean schools approved by the state board of education pursuant to chapter 180-90 WAC.

#### NEW SECTION

WAC 392-165-302 PRIVATE SCHOOL PARTICIPATION IN CHAPTER 2—PROGRAM REQUIREMENT. Each school district that receives Chapter 2 moneys shall make available for expenditure in the private schools within the district, an amount equal to the private school enrollment within the district times the average allotment per student (combined public and private enrollment) from Chapter 2 moneys.

#### NEW SECTION

WAC 392-165-304 PRIVATE SCHOOL CHAPTER 2 EQUIPMENT—PROGRAM REQUIREMENT. Each school district that supplies equipment which is purchased with Chapter 2 moneys to a private school shall retain title to all such equipment and keep on file an inventory supplied by the private school which indicates the location and use of such equipment.

#### NEW SECTION

WAC 392-165-310 PARENT, EDUCATOR, AND COMMUNITY INVOLVEMENT IN PROGRAM PLANNING—PROGRAM REQUIREMENT. Each school district that seeks an allocation of funds under Chapter 2 shall consult with parents and educators and other interested parties in preparing the proposed program design and planning expenditures submitted by the designated local administrator to the school district board of directors for adoption. Such consultation shall be documented to demonstrate compliance with this section.

#### NEW SECTION

WAC 392-165-315 SCHOOL DISTRICT APPLICATION REQUIRED. Each school district that seeks an allocation of federal funds under Chapter 2 from the state shall submit an annual application on forms provided by the superintendent of public instruction.

#### NEW SECTION

WAC 392-165-320 SUBSTANCE OF ANNUAL SCHOOL DISTRICT APPLICATION. The school district's annual application, required by WAC 392-165-315, shall contain the following:

- (1) Assurances as required by WAC 392-165-322.
- (2) Planned Chapter 2 expenditures by program object and activity as required by WAC 392-165-325.
- (3) Planned expenditures for public and private schools by subchapter program including Subchapter A (basic skills), Subchapter B (improvement and support services) and Subchapter C (special projects) as required by WAC 392-165-327.

NEW SECTION

WAC 392-165-322 ONE YEAR ASSURANCES. Each school district that receives an allocation of federal funds under Chapter 2 shall submit to the superintendent of public instruction once a year the following:

(1) An assurance of school district compliance with Chapter 392-165 WAC.

(2) An assurance that funds received under Chapter 2 shall supplement and not supplant funds available from nonfederal sources.

(3) An assurance that children enrolled in eligible private schools which have submitted a statement of intention to participate in Chapter 2 programs within the district shall be provided equitable participation in benefits of funds received from Chapter 2.

(4) An assurance that the school district shall keep records and provide information to the superintendent of public instruction regarding Chapter 2 programs in such manner as required by the superintendent of public instruction.

NEW SECTION

WAC 392-165-325 PLANNED EXPENDITURES BY PROGRAM OBJECT AND ACTIVITY. Each school district's planned expenditures shall be summarized for all Chapter 2 subchapters by program object and activity on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-165-327 PLANNED EXPENDITURES BY SUBCHAPTER PROGRAM. Each school district that seeks an allocation of federal funds shall submit to the superintendent of public instruction planned expenditures by subchapter activities, as displayed on forms provided by the superintendent of public instruction, which indicate proposed expenditures for public and private schools separately.

NEW SECTION

WAC 392-165-330 BOARD APPROVAL—SUBCHAPTER A, B AND C ACTIVITIES. For each Subchapter activity included in the annual application, the local board of directors shall approve a description of the planned expenditure which indicates the purpose of the program activity, the resources to be allocated to the program activity and the expected outcome of the program activity. Such program expenditure descriptions shall remain on file with the school district and shall be open to inspection.

NEW SECTION

WAC 392-165-332 BOARD APPROVAL—SUBCHAPTER A ACTIVITIES. For each Subchapter A activity included in the annual application the local board of directors, shall review the program design and proposed expenditures for the activity, taking into account:

(1) Previous year's planned expenditures and total Chapter 2 moneys available for the ensuing year (July 1 through June 30);

(2) Evaluation results in terms of student achievement data from the previous year's program, and, when available, whether gains have been sustained over a period of one year;

(3) Results of the annual needs assessment; and

(4) The adequacy of parent/educator and other interested party consultation in the planning and implementation process.

NEW SECTION

WAC 392-165-340 BUDGET REVISION—TWENTY PERCENT ALLOWED. Using the subtotal from Form SPI F-1000B-CH. 2 as a base, school districts may make annual expenditure adjustments of up to twenty percent of that total in any of the previously budgeted subchapter activities within the approved annual application without filing a request for a budget revision with the superintendent of public instruction.

NEW SECTION

WAC 392-165-345 BUDGET REVISIONS—UPDATING PLANNED EXPENDITURES. Except as provided in WAC 392-165-340, each school district shall expend Chapter 2 moneys in accordance with planned expenditures and program description included in the application submitted to and approved by the superintendent of public instruction. A school district shall be required to file a request for a budget revision whenever necessary with the superintendent of public instruction in order to:

(1) Increase the total expenditure of Chapter 2 moneys; or

(2) Change by more than twenty percent of the subtotal identified in WAC 392-165-340 the expenditures among activity or object totals; or

(3) Expend money in any object or activity where no moneys were budgeted in the original application.

NEW SECTION

WAC 392-165-350 BUDGET REVISION—APPROVAL. Approval of budget revisions by the superintendent of public instruction shall be in accordance with the provisions of WAC 392-165-460 for approval by the superintendent of public instruction of the annual application.

NEW SECTION

WAC 392-165-360 SUPERVISORY EXPENDITURES. A school district that charges any portion of supervisory expenditures as a direct expenditure to the Chapter 2 program shall document such expenditures, including the proportion of supervisory FTE so designated.

NEW SECTION

WAC 392-165-365 END OF YEAR REPORT—ANNUAL REQUIREMENT. Each school district that

receives an allocation of funds under Chapter 2 shall submit to the superintendent of public instruction each year an end-of-year report on forms provided by the superintendent of public instruction. The end-of-year report shall be received by the superintendent of public instruction no later than July 20, or in the event such date is a Saturday, Sunday, or holiday, the working day immediately following such date, and shall contain all information requested.

The evaluation information shall include but not be limited to:

- (1) The number of students served in related Chapter 2 program areas;
- (2) The number of staff served through staff development activities;
- (3) The number of full time equivalent staff funded by Chapter 2;
- (4) Fiscal information as related to planned expenditures; and
- (5) Other information as required consistent with the responsibilities of the superintendent of public instruction under Chapter 2. In addition, selected districts may be requested to participate in the preparation of descriptive case studies.

#### NEW SECTION

**WAC 392-165-425 CONSTRUCTION AND PORTABLE LEASE/PURCHASE.** Chapter 2 moneys may be used for the modification of existing facilities and/or for lease/purchase of portable facilities for the purpose of serving Chapter 2 eligible private school children if:

- (1) The district has exhausted every other available option for providing space in which to serve eligible private school children; and
- (2) Modification of facilities or lease/purchase of portable facilities will provide essential improvement in the delivery of Chapter 2 regular services to eligible private school 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 392-165-430 ACQUISITION, CONTROL AND DISPOSITION OF PROPERTY.** Acquisition, control and disposition of property purchased with Chapter 2 moneys shall be consistent with 34 CFR 298.27(a).

#### NEW SECTION

**WAC 392-165-440 CHAPTER 2 AUDIT.** Audit of Chapter 2 programs shall be conducted in compliance with 34 CFR 298.17.

#### NEW SECTION

**WAC 392-165-445 SANCTIONS.** Any school district found not in compliance with applicable federal and

state statute and regulations shall be subject to the actions prescribed in WAC 392-165-455 and 34 CFR 298.17 Part 298.

#### NEW SECTION

**WAC 392-165-450 COMPLIANCE AGREEMENT.** Notwithstanding any of the actions prescribed by WAC 392-165-445, any school district found out of compliance with this chapter may, as a substitute for withholding or repayment actions referenced in WAC 392-165-455, be required to enter into a compliance agreement with the superintendent of public instruction to ensure that noncompliant Chapter 2 program practices are corrected within a period of time specified in that agreement, as a condition to continuous receipt of Chapter 2 moneys. If a district fails to achieve compliance within the specified time, the withholding and/or repayment procedures prescribed by WAC 392-165-455 and 34 CFR 298.17(d) shall be instituted by the superintendent of public instruction.

#### NEW SECTION

**WAC 392-165-455 WITHHOLDING OF CHAPTER 2 PAYMENTS.** (1) If the superintendent of public instruction determines that a school district is not in substantial compliance with federal statute and regulation or with this chapter, the superintendent of public instruction shall have the authority to withhold payment in whole or in part of Chapter 2 moneys to the offending district. In deciding whether to withhold payments, the superintendent of public instruction shall provide:

- (a) Reasonable notice to the school district of the reasons for the proposed withholding; and
  - (b) An opportunity for the school district within thirty calendar days of such notice to give reason why the withholding should not be instituted.
- (2) Pursuant to the school district response, the superintendent of public instruction shall consider the following factors:

- (a) The seriousness of the noncompliance;
- (b) The amount of Chapter 2 moneys involved;
- (c) The effect of withholding on participating children; and
- (d) The need to withhold payments to prevent further misuse of Chapter 2 moneys.

(3) If, after consideration of these factors and within thirty calendar days, the superintendent of public instruction decides to initiate a withholding procedure, a date shall be specified by which the school district shall have achieved compliance, or the moneys withheld shall become subject to repayment procedures specified in 34 CFR 298.16.

#### NEW SECTION

**WAC 392-165-460 APPROVAL OF CHAPTER 2 PROGRAM APPLICATION BY THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION.** (1) Final approval of a Chapter 2 program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-165-320 through 392-



165-327 and 34 CFR 298.7 (a) and (b) and is assured that the school district has satisfied all yearly reporting requirements and compliance agreements from the previous year, unless the agreement extends into the current year.

(2) Programs shall not be implemented without prior approval from the superintendent of public instruction.

(3) Fiscal expenditures made prior to the effective approval date indicated on an application or a request for budget revision shall not be allowed.

(4) Consistent with P.L. 93-380, any school district shall have an opportunity to appeal a decision of the superintendent of public instruction, first to the superintendent of public instruction and then to the United States secretary of education.

### NEW SECTION

WAC 392-165-500 DISTRIBUTION OF CHAPTER 2 MONEYS TO LOCAL SCHOOL DISTRICTS. (1) For the purpose of this section, the term:

(a) "Student enrollment" shall mean the head count for public and private schools and neglected and delinquent institutions submitted by the school districts to the office of the superintendent of public instruction on October 1 of each prior year.

(b) "Low income student enrollment" shall mean those students who reside in a school district whose family income meets the definition of low income reported in the statistical policy handbook/office of the federal policy and standards, 4/27/83.

(c) "Minority population enrollment" shall mean those minority students determined by sight identification or self-identification to be noncaucasian as reported in the P105 report.

(d) "Gifted enrollment" shall mean three percent of the district student enrollment submitted under (a) of this subsection.

(e) "Desegregation enrollment" shall mean all students enrolled in school plant facilities affected by plans to alleviate or prevent the racial imbalance of school plant facilities (see WAC 180-26-025 for the definition of racial imbalance). In order for the students enrolled in school plant facility to be counted for the purpose of this section, the school plant facility must meet each of the following conditions:

(i) The school plant facility must be included within a plan, adopted by the board of directors of the district, to alleviate or prevent racial imbalance within the district;

(ii) At least ten percent of the students enrolled in each school plant included within the plan meet one or combination thereof of the following:

(A) Have been reassigned from another school plan for the purpose of alleviating or preventing racial imbalance; and

(B) Must reside closer in distance to other school plants offering the same grade or program opportunity.

(iii) At least ten percent of the students enrolled in each school plant included must be minority students.

The board adopted plan, together with the number of students enrolled in each school plant facility affected,

(i.e., desegregation enrollment), shall be transmitted to the superintendent of public instruction in accordance with timelines announced annually by the superintendent of public instruction.

(f) "Limited English speaking enrollment" shall mean those students who qualify under chapter 392-160 WAC.

(2) Each year the superintendent of public instruction shall make available for allocations to the school districts eighty percent of Chapter 2 moneys received for allocation during the school year plus such amount as may be carried over from the previous school year's allocation based on a formula which recognizes enrollment and high cost factors as follows:

(a) Student enrollment. Fifty percent of the amount available each year will be made available on the basis of public and private school student enrollment.

(b) Low income student enrollment. Fifteen percent of the funds will be made available on the basis of low income student enrollment.

(c) Minority population enrollment. Ten percent of the funds will be made available based on minority population enrollment.

(d) Gifted enrollment. Ten percent of the funds will be made available on the basis of gifted enrollment.

(e) Desegregation enrollment. Ten percent of the funds will be made available on the basis of desegregation enrollment.

(f) Limited English speaking enrollment. Five percent of the funds will be made available on the basis of limited English speaking enrollment.

(3) From enrollment information for each of the populations described in subsection (1) of this section submitted by school districts to the superintendent of public instruction, the superintendent of public instruction shall determine the amount to be allocated to each school district.

### **WSR 84-06-020**

#### **NOTICE OF PUBLIC MEETINGS ADVISORY COUNCIL ON VOCATIONAL EDUCATION**

[Memorandum—Filed February 28, 1984]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held Friday, March 30, 1984, in the Auditorium of the Henry M. Jackson 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 March 16, 1984.

For further information, please contact Dennis D. Coplen, Sr., Executive Director, Washington State Advisory Council on Vocational Education, 120 East Union, Room 207, Mailstop: EK-21, Olympia, Washington 98504, telephone number (206) 753-3715.

**WSR 84-06-021**  
**ADOPTED RULES**  
**BOARD OF ACCOUNTANCY**  
 [Order ACB 107—Filed February 29, 1984]

Be it resolved by the Washington State Board of Accountancy, acting at Seattle, Washington, that it does adopt the annexed rules relating to the amending of WAC 4-25-020.

This action is taken pursuant to Notice No. WSR 83-24-069 filed with the code reviser on December 7, 1983. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.055 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 27, 1984.

By E. William Parker, CPA  
 Chairman

AMENDATORY SECTION (Amending Order ACB 105, filed 10/26/83)

WAC 4-25-020 DEFINITIONS. For purposes of these rules the following terms have the meanings indicated:

- (1) "Act" means the Public Accounting Act of 1983.
- (2) "Board" means the Washington State Board of Accountancy.
- (3) "Client" means the person or entity which retains a licensee for the performance of professional services.
- (4) "Enterprise" means any person or entity, whether organized for profit or not, with respect to which a licensee performs professional services.
- (5) "Firm" means a sole proprietorship, a corporation or a partnership.
- (6) "Financial statements" means statements and footnotes related thereto that purport to show financial position which relates to a period of time, or changes in financial position which relate to a period of time, or results of operations, on the basis of generally accepted accounting principles or another comprehensive basis of accounting. The term does not include ~~((incidental))~~ incidental financial data included in management advisory services reports to support recommendations to a client, nor does it include tax returns and supporting schedules.
- (7) "He," "his," and "him" mean, where applicable, the corresponding feminine and neuter pronouns also.
- (8) "Licensee" means the holder of a certificate issued under the Act, or of a permit issued under the Act; or, in each case, under corresponding provisions of prior law.
- (9) "Practice of (or practicing) public accountancy" means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as "audit reports," "review reports," and "compilation reports."

(10) "Professional services" means any services performed or offered to be performed by a licensee for a client in the course of a practice of public accountancy.

(11) "Public communication" means a communication made in identical form to multiple persons or to the world at large, as by television, radio, motion picture, newspaper, pamphlet, mass mailing, letterhead, business card or directory.

(12) ~~((Opinions on financial statements are any reports prepared by certified public accountants, including audits based on examinations in accordance with generally accepted auditing standards and review and compilation reports based on Statements on Standards for Accounting and Review Services (SSARS) as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting, in accordance with pronouncements or other authoritative media formally issued by the American Institute of Certified Public Accountants or any of its subdivisions including but not limited to the FASB and SSARS:))~~ "Generally Accepted Auditing Standards" (GAAS) are measures of the quality of auditing performance as demonstrated by a licensee and include general standards, standards of field work, and standards of reporting as defined and codified by the American Institute of Certified Public Accountants. "Generally Accepted Accounting Principles" (GAAP) is a body of knowledge which refers to the set of accounting conventions, rules and procedures as developed by the accounting profession and applied by licensees in the practice of public accountancy. Generally accepted accounting principles include but are not limited to principles concerned with the recognition and recording of financial data and with the issuance of reports upon that data, including audit reports based on examinations in accordance with generally accepted auditing standards and review and compilation reports based on Statements on Standards for Accounting and Review Services (SSARS), all in accordance with pronouncements or other authoritative publications issued by the Financial Accounting Standards Board (FASB) and by the American Institute of Certified Public Accountants, including but not limited to the senior technical committees 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.

**WSR 84-06-022**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-14—Filed February 29, 1984]

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 tribal test steelhead fishery should be allowed to proceed until spring chinook appear in the catch.

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 February 29, 1984.

By Russell W. Cahill  
for William R. Wilkerson  
Director

#### NEW SECTION

*WAC 220-32-02500I CLOSED AREA—GRAYS HARBOR AND TRIBUTARIES. Notwithstanding the provisions of WAC 220-32-021, 220-32-022, 220-32-024 and 220-32-025, effective immediately until further notice it is unlawful for any fisherman, including treaty Indian fishermen to fish for or possess salmon taken for commercial purposes from the waters of the Grays Harbor Salmon Management and Catch Reporting Area 2A or foodfish from the waters of the Chehalis River, except that Indian fishermen possessing treaty rights under the Quinault Treaty may fish in Area 2A and those waters of the Chehalis River downstream from the mouth of the Wynoochee River during the following periods and may possess foodfish for test purposes taken during these periods:*

*2:00 p.m. March 5, to 2:00 p.m. March 6,  
8:00 a.m. March 12, to 8:00 a.m. March 13,  
2:00 p.m. March 18, to 2:00 p.m. March 19,  
10:00 a.m. March 26, to 10:00 a.m. March  
27, 1984.*

#### **WSR 84-06-023**

##### **ADOPTED RULES**

#### **DEPARTMENT OF ECOLOGY**

[Order DE 84-02—Filed February 29, 1984]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Headquarters Office, Room 273, the annexed rules relating to:

New ch. 173-218 WAC Underground injection control program.  
Amd ch. 173-216 WAC State waste discharge permit program.

This action is taken pursuant to Notice No. WSR 84-02-070 filed with the code reviser on January 4, 1984.

These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.21A-.445 which directs that the Washington Department of Ecology has authority to implement the provisions of Part C of the Federal Safe Drinking Water Act (42 U.S.C. Sec. 300(h) et seq.).

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 February 23, 1984.

By John F. Spencer  
Deputy Director

#### Chapter 173-218 WAC UNDERGROUND INJECTION CONTROL PROGRAM

##### WAC

173-218-010	Purpose.
173-218-020	Policy enunciated.
173-218-030	Definitions.
173-218-040	Authorization required.
173-218-050	Class I injection wells.
173-218-060	Class II injection wells.
173-218-070	Class III injection wells.
173-218-080	Class IV injection wells.
173-218-090	Class V injection wells.
173-218-100	Permit terms and conditions.
173-218-110	Enforcement.

##### NEW SECTION

WAC 173-218-010 PURPOSE. (1) The purpose of this chapter is to set forth the procedures and practices applicable to the injection of fluids through wells.

(2) Permits issued in accordance with the provisions of this chapter are designed:

(a) To satisfy the intent and requirements of Part C of the Federal Safe Drinking Water Act (SDWA) 42 U.S.C. § 300h et seq. as authorized by RCW 43.21A-.445 and of the Water Pollution Control Act, chapter 90.48 RCW; and

(b) To preserve and protect ground waters, including underground sources of drinking water, for existing and future beneficial uses.

##### NEW SECTION

WAC 173-218-020 POLICY ENUNCIATED. (1) It shall be the policy of the department of ecology in carrying out the purposes of this chapter:

(a) To maintain the highest possible standards to prevent the injection of fluids that may endanger ground waters which are obtainable for beneficial uses or which contain fewer than 10,000 mg/L of total dissolved solids;

(b) To require the use of all known, available, and reasonable methods to prevent and control the discharge of fluids and waste fluids into the waters of the state;

(c) To protect public health and welfare through preservation and protection of the quality of the state's ground waters.

(2) Consistent with this policy:

(a) The disposal of waste fluids from industrial, commercial, or municipal sources into wells will not be authorized by the department, except that existing operations are authorized providing these operations satisfy the standards and requirements of this chapter;

(b) The department will act to prevent the disposal of waste fluids that present a risk to human health, including the potential, chronic effects of lifetime exposure to waste fluids.

### NEW SECTION

WAC 173-218-030 DEFINITIONS. (1) "Beneficial uses" shall include, among others, uses for domestic water, irrigation, fish, shellfish, game, and other aquatic life, municipal, recreation, industrial water, generation of electric power, and navigation.

(2) "Class I injection well" means a well used to inject industrial, commercial, or municipal waste fluids beneath the lowermost formation containing, within 1/4-mile of the well bore, an USDW.

(3) "Class II injection well" means a well used to inject fluids:

(a) Brought to the surface in connection with conventional oil or natural gas exploration or production and may be commingled with wastewaters from gas plants which are an integral part of production operations, unless those waters are classified as dangerous wastes at the time of injection;

(b) For enhanced recovery of oil or natural gas; or

(c) For storage of hydrocarbons which are liquid at standard temperature and pressure.

(4) "Class III injection well" means a well used for extraction of minerals, including but not limited to the injection of fluids for:

(a) In-situ production of uranium or other metals that have not been conventionally mined;

(b) Mining of sulfur by Frasch process; or

(c) Solution mining of salts or potash.

(5) "Class IV injection well" means a well used to inject dangerous or radioactive waste fluids.

(6) "Class V injection well" means all injection wells not included in Classes I, II, III, or IV.

(7) "Dangerous waste" 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).

(8) "Department" means department of ecology.

(9) "Fluid" means any material or substance which flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

(10) "Ground waters" means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of this state, whatever may be the geological formation or structure in which such water stands or flows, percolates, or otherwise moves (Regulation of public ground waters, chapter 90.44 RCW).

(11) "Injection well" means a "well" that is used for the subsurface emplacement of fluids.

(12) "New injection well" means an injection well that is proposed subsequent to the effective date of this chapter.

(13) "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.

(14) "Radioactive waste" means any waste which contains radioactive material in concentrations which exceed those listed in 10 Code of Federal Regulations Part 20, Appendix B, Table II, Column 2.

(15) "SDWA" means Part C of the Federal Safe Drinking Water Act, 42 U.S.C. § 300f et seq.

(16) "Underground source of drinking water (USDW)" means ground waters which contain fewer than 10,000 mg/L of total dissolved solids or which are obtainable for beneficial uses.

(17) "Waste fluid" means any discarded, abandoned, unwanted, or unrecovered fluid(s), except the following are not waste fluids 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 beneficial uses;

(b) Discharges of stormwater that are not contaminated or potentially contaminated by industrial or commercial sources.

(18) "Well" means a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension.

### NEW SECTION

WAC 173-218-040 AUTHORIZATION REQUIRED. No fluids may be injected through wells except as authorized pursuant to this chapter.

### NEW SECTION

WAC 173-218-050 CLASS I INJECTION WELLS. (1) New Class I injection wells are prohibited.

(2) All persons operating an existing Class I injection well operation must apply to the department for approval to operate within one year of the effective date of this chapter.

(3) The department will accept, process, and act upon the application in accordance with applicable requirements as contained in 40 Code of Federal Regulations

Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

#### NEW SECTION

**WAC 173-218-060 CLASS II INJECTION WELLS.** (1) Any person, who proposes to conduct or is conducting a Class II injection well operation, as defined in WAC 173-218-030(3)(a), must notify the oil and gas conservation committee (OGCC) in accordance with the provisions of general rules, chapter 344-12 WAC.

(2) The department shall perform review, evaluation, and approval in accordance with the provisions of general rules, chapter 344-12 WAC.

(3) The department shall process a Class II injection well application, as defined in WAC 173-218-030(3)(a), in accordance with applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982).

(4) At present, there appears to be no reasonable likelihood that approval will be sought for a Class II injection well for either enhanced recovery of oil or natural gas or for storage of liquid hydrocarbons; therefore, Class II injection wells as defined in 173-218-030(3)(b) and (3)(c) are not authorized. If it appears likely that approval will be sought for either of these types of injection wells, these regulations will be amended to include an appropriate regulatory program.

#### NEW SECTION

**WAC 173-218-070 CLASS III INJECTION WELLS.** At present, there appears to be no reasonable likelihood that approval will be sought for a Class III injection well; therefore, Class III injection wells are not authorized. If it appears likely that approval will be sought for a Class III injection well, these regulations will be amended to include an appropriate regulatory program.

#### NEW SECTION

**WAC 173-218-080 CLASS IV INJECTION WELLS.** Class IV injection wells are prohibited regardless of proximity to USDW.

#### NEW SECTION

**WAC 173-218-090 CLASS V INJECTION WELLS.** (1) All new Class V injection wells that inject industrial, municipal, or commercial waste fluids into or above an USDW are prohibited.

(2) All persons operating an existing Class V injection well, that inject industrial, commercial, or municipal waste fluids into or above an USDW, must apply to the department for approval to operate within one year of the effective date of this regulation. The department will

accept, process, and act upon the application in accordance with the procedures and practices of the state Waste Discharge Permit Program, chapter 173-216 WAC.

(3) All other Class V injection well owners and operators must notify the department of the location of injection wells within one year of approval of the state underground injection control program by the United States environmental protection agency. The notification shall be on a form as prescribed by the department and will include the information needed to satisfy the requirements of 40 Code of Federal Regulations Part 146.52.

#### NEW SECTION

**WAC 173-218-100 PERMIT TERMS AND CONDITIONS.** (1) Any permit issued by the department shall specify conditions necessary to prevent and control injection of fluids into the waters of the state, including the following, whenever applicable:

(a) All known, available, and reasonable methods of prevention, control, and treatment;

(b) Applicable requirements as contained in 40 Code of Federal Regulations Parts 124 and 144 as published in Federal Register Volume 48, #64 (April 1, 1983) and Part 146 as published in Federal Register Volume 45, #123 (June 24, 1980), Volume 46, #166 (August 27, 1981) and Volume 47, #23 (February 3, 1982); and

(c) Any conditions necessary to preserve and protect USDW.

(2) Any injection well that causes or allows the movement of fluid into an USDW that may result in a violation of any primary drinking water standard under 40 Code of Federal Regulations Part 141 or that may otherwise adversely affect the beneficial use of an USDW is prohibited.

#### NEW SECTION

**WAC 173-218-110 ENFORCEMENT.** (1) For violations of this chapter, the department shall have the remedies available in the Water Pollution Control Act, chapter 90.48 RCW, and all other applicable statutes.

(2) All injection well operations not operated in accordance with the provisions of this chapter, that cause or tend to cause entry of fluids into the waters of the state as a result of a violation of these provisions, constitutes pollution of the waters of the state in violation of RCW 90.48.080.

#### AMENDATORY SECTION (Amending Order DE 83-29, filed 11/18/83)

**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 from industrial, commercial, and municipal operations 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. This regulation also excludes

the injection of fluids through wells which is regulated by underground injection control program, chapter 173-218 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 and to implement applicable pretreatment standards under section 307 of the Federal Water Pollution Control Act (33 U.S.C. § 1241 et seq.).

**AMENDATORY SECTION** (Amending Order DE 83-29, filed 11/18/83)

**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 or which would contaminate the sludge 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.

**WSR 84-06-024**

**ADOPTED RULES**

**DEPARTMENT OF  
LABOR AND INDUSTRIES**

[Order 84-2—Filed February 29, 1984—Eff. July 1, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at the Department of Labor and Industries Offices, General Administration Building, Olympia, Washington, the annexed rules relating to rules applicable to the administration of retrospective rating plans and group insurance plans (chapter 296-17 WAC) for workers' compensation insurance underwritten by the Department of Labor and

Industries and offered to employers on an optional basis. Basic premium ratios, loss conversion factors, size group tables, contractual agreements for employer group plans, surety bond policies and clarification of rules are set forth. Proposed rules affect the coverage period beginning July 1, 1984, and ending June 30, 1985.

This action is taken pursuant to Notice No. WSR 84-02-060 filed with code revisor on January 4, 1984. These rules shall take effect at a later date, such date being July 1, 1984.

This rule is promulgated pursuant to RCW 51.16.035 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 February 29, 1984.

By Sam Kinville  
Director

**AMENDATORY SECTION** (Amending Order 81-02, filed 1/30/81)

**WAC 296-17-905 DIVIDENDS.** Periodically, the department shall determine the total liability existing against the accident fund. If, after such determination, the department finds the accident fund, aside from the reserves deemed actuarially necessary according to recognized insurance principles, contains a surplus, the director, in his/her discretion may declare a dividend to be paid to, or credited to the accounts of, employers who were insured with the department during all or part of the period for which the dividend is declared, according to a uniform formula to be promulgated by the department. Any dividends so declared shall give due consideration to the solvency of the accident fund, not be unfairly discriminatory, and not be promised in advance of such declaration. An employer in default when the dividend is declared shall not be eligible to receive payment as provided by this section but credit will be made towards reducing the employer's obligation to the department.

**AMENDATORY SECTION** (Amending Order 82-5, filed 2/10/82)

**WAC 296-17-910 QUALIFICATIONS FOR EMPLOYER GROUPS FOR WORKERS' COMPENSATION INSURANCE.** The department may insure the workers' compensation obligations of employers as a group, provided the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years.

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage.

(3) The business of the employers in the organization is substantially similar, taking into consideration the nature of the work being performed by workers of such employers such that the group comprises substantially homogeneous risks.

(4) The employers in the group constitute at least fifty percent of the total eligible employers in such organization. No groups with less than one hundred participating members will be formed unless the aggregate premium of those members is expected to exceed (~~(\$250,000)~~) \$150,000 during the coverage period.

(5) The formation and operation of the group program in the organization will substantially improve accident prevention and claims handling for the employers in the group.

Each employer seeking to enroll in a group for workers' compensation insurance must (~~(meet the conditions under WAC 296-17-913(2))~~) maintain an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premiums, penalties or assessments are due and payments for quarterly reporting periods have been made in accordance with WAC 296-17-310.

The above conditions do not pertain to groupings or combination of persons or risks by way of common ownership or common use and control for experience rating purposes. Combinations for experience rating are governed by WAC 296-17-873.

Final determination of group eligibility under this section rests with the department subject to review under chapter 51.52 RCW.

In providing employer group plans under this rule, the department may consider an employer group as a single employing entity for purposes of dividends or retrospective rating. No employer will be a member of more than one group for the purposes of insuring their workers' compensation obligations.

AMENDATORY SECTION (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

WAC 296-17-911 GROUP DIVIDENDS. Group dividends will be calculated provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Group submits a satisfactorily completed:

(a) Application for group dividend plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled no later than June 15;

(c) Group dividend agreement no later than June 15.

(3) A dividend is declared under provisions of WAC 296-17-905.

Employers associated with the group at any time during the term of the group dividend agreement will remain parties to the group dividend agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group dividend at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Each employer included as a group member in the group dividend agreement will maintain an individual account with the department and will continue to pay

quarterly premiums based on assigned risk classification(s) and individual experience rating.

Any premiums, penalties or assessments owing the department by any member of the group will be withheld from the group's dividend. Any premium, penalties or assessments to be withheld by the department from the group's dividend will be done so according to a pro rata schedule unless the employer group has agreed to use the individual merit allocation system as defined by the department for the distribution of the dividend.

Dividends will be calculated in accordance with WAC 296-17-905 and are subject to WAC 296-17-907 and 296-17-915.

The payment of the group dividend will be made by the department to the association and shall be distributed to the individual group members by the association (~~(according to the system for allocation described in the group dividend agreement and agreed upon by the members in their membership enrollment application. Dividend allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the dividend to be retained by the association as expenses, etc. must be clearly defined in the agreement).~~).

AMENDATORY SECTION (Amending Order 82-5, filed 2/10/82)

WAC 296-17-913 QUALIFICATIONS FOR EMPLOYER PARTICIPATION IN A RETROSPECTIVE RATING PLAN. The department may enroll interested employers in a retrospective rating plan as a means of insuring their workers' compensation obligations provided the following conditions are met:

(1) The employer submits a satisfactorily completed retrospective rating plan agreement for each employer account to be enrolled.

(2) The employer maintains an industrial insurance account in good standing with the department such that at the time the agreement is processed no outstanding premium, penalties or assessments are due and payments for quarterly reporting periods have been made in accordance with WAC 296-17-310.

(3) The employer may be required to post a surety bond or other security deposit separate from the cash deposit required for establishing an industrial insurance account with the department:

(a) The employer's surety bond must be on the prescribed forms authorized by the department;

(b) The employer's surety bond shall be secured in one thousand dollar increments provided further that if the estimated maximum premium falls within two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The employer's surety bond shall remain in full force and effect for the period required retrospective premium calculations are made.

Such surety bond or security deposit would be sufficient to cover the difference between the employer's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the

estimated standard premium and maximum percentage retrospective premium due under the plan.

Final determination as to the employer's eligibility under this section and financial ability to assume the responsibilities under the retrospective rating plan rests with the department subject to review under chapter 51-52 RCW.

**AMENDATORY SECTION** (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

**WAC 296-17-914 RETROSPECTIVE RATING FORMULA.** Employers who elect to have their premium adjusted under a retrospective rating plan must submit an application on a form provided by the department no later than April 30 for the coverage period beginning the following July 1. The employer must preselect a "maximum premium ratio" from Plan A or Plan B.

The employer's retrospective premium shall be calculated from the formula:

Retrospective Premium = ((Basic Premium + (loss conversion factor x incurred losses))

(Basic Premium Ratio x Standard Premium)

+

(Loss Conversion Factor x Incurred Losses)

In the above formula, the basic premium ~~((is the product of the basic premium ratio times the employer's standard premium. The basic premium ratio is taken from Plan A (WAC 296-17-91901) or Plan B (WAC 296-17-91902) based on the employer's standard premium and preselected maximum premium))~~ ratio and loss conversion factor are taken from PLAN A (WAC 296-17-91901) or PLAN B (WAC 296-17-91902) based on the employer's standard premium and preselected maximum premium ratio. Evaluation of incurred losses will be done according to the methods prescribed in WAC 296-17-915. The maximum retrospective premium is the product of the maximum premium ratio times the employer's standard premium. In the event that the retrospective premium formula produces a value greater than the maximum premium, the retrospective premium shall be reduced to the maximum premium.

Under Plan A, a firm may elect to forego the protection of a maximum premium ratio if its financial condition is sufficiently strong and stable so that it could qualify as a self-insurer under the department's guidelines for certification of self-insurers. The basic premium ratio effective for the coverage period beginning July 1, ~~((1983))~~ 1984, and ending June 30, ~~((1984))~~ 1985, will be ~~((.057))~~ .043 if the firm selects and qualifies for an unlimited maximum premium.

**AMENDATORY SECTION** (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

**WAC 296-17-916 RETROSPECTIVE PREMIUM ADJUSTMENTS—DUE AND PAYABLE.** The initial retrospective premium adjustment will be calculated approximately ~~((fifteen))~~ twelve months from the close of the coverage period and annually thereafter for a period of four years. Provided a request is made within

ninety days following promulgation of the fifth and final required retrospective premium adjustment by either the employer or department up to two subsequent annual retrospective premium adjustments on the coverage period will be made. The additional adjustments will be identified as the sixth and seventh adjustments and must be requested and made in succession.

Retrospective premium adjustments become due or payable within sixty days of notification of amount. Re-evaluation of incurred losses or premium audits will not delay retrospective premium adjustment payments. For employers participating on an individual retrospective rating plan, no retrospective premium adjustment refund check will be written for less than ten dollars. In lieu of refund checks, retrospective premium adjustments of less than ten dollars will be credited to the employer's industrial insurance account.

**AMENDATORY SECTION** (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

**WAC 296-17-917 QUALIFICATIONS FOR EMPLOYER GROUP PARTICIPATION IN RETROSPECTIVE RATING PLAN.** The department may enroll interested groups in the retrospective rating plan provided:

(1) Employers qualify as a group as defined by WAC 296-17-910.

(2) Employers maintain industrial insurance accounts in good standing with the department such that the conditions described in WAC 296-17-913(2) are met.

(3) Group submits a satisfactorily completed:

(a) Application for group retrospective rating plan no later than April 30 for the coverage period beginning the following July 1;

(b) Employer's authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled by June 15;

(c) Group retrospective rating plan agreement by June 15.

(4) The group may be required to post a surety bond or other security deposit separate from the individual employer's cash deposits required for establishing industrial insurance accounts with the department;

(a) The group's surety bond must be on the prescribed forms authorized by the department;

(b) The group's surety bond shall be secured in one thousand dollar increments provided further that if the group's estimated maximum premium due falls within two increment ranges, a surety bond at the higher level increment shall be obtained;

(c) The group's surety bond shall remain in force and effect for the period required retrospective premium calculations are made.

The amount of such surety bond or other security deposit, if required, may be fixed by the department in any amount equal to or less than the difference between the group's estimated standard premium and the maximum premium due under the retrospective rating plan. Past reporting data and current rate levels will be used to determine the estimated standard premium and maximum percentage retrospective premium due under the plan.



Each employer included as a group member in the group retrospective rating plan agreement will maintain an individual account with the department and will continue to pay quarterly premiums based on assigned risk classification(s) and individual experience rating.

Employers associated with the group at any time during the term of the group retrospective rating plan agreement will remain parties to the agreement for the balance of its term.

Members of the organization or association which do not elect to participate in the group retrospective rating plan at the inception of the agreement shall not become participating members in the group during the term of the agreement.

Final determination of an employer's eligibility to participate in a group plan under this section rests with the department subject to review under chapter 51.52 RCW.

The payment of the group retrospective premium adjustment will be made to or collected from the association. The distribution to the individual group members or collection from the individual group members will be done by the association ((according to the system for allocation described in the group retrospective rating plan agreement and agreed upon by the members in their membership enrollment application. Group retrospective rating plan allocation systems must be applied in a consistent manner and shall not unfairly discriminate against any group member. Any portion of the retrospective premium adjustment to be retained by the association as expenses, etc. or any surcharge to the group member for expenses, etc. by the association over and above the portion of the retrospective premium adjustment to be collected from the group member must be clearly defined in the agreement)).

Any premium, penalties or assessments owing the department by any employer in the group will be included in the group's retrospective premium adjustment. Any premium, penalties or assessments to be withheld by the department from the group's retrospective premium adjustment will be done so according to a pro rata schedule unless the employer group has agreed to use the individual merit allocation system as defined by the department for the distribution or collection of retrospective premium.

Group retrospective premium adjustment will be calculated according to WAC 296-17-914 and is subject to WAC 296-17-915 and 296-17-916.

**NEW SECTION**

**WAC 296-17-918 LIMITATION OF LIABILITY INDEMNIFICATION.** With the exception of the required authorization for release of insurance data and group membership enrollment application for each employer account to be enrolled, the department disclaims interest in contracts executed between employer groups and participating group members. The department neither approves nor disapproves of any language contained therein and shall be held harmless for misrepresentation of fact(s) or errors of omission or commission stated in the terms of said contract. The department is released and exempt from liability for any dispute or cause of

action between an employer group and participating group members or amongst participating group members arising under the contract.

**AMENDATORY SECTION** (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

**WAC 296-17-919 TABLE I.**

**RETROSPECTIVE RATING PLANS A and B  
STANDARD PREMIUM SIZE RANGES**

Effective for the coverage period July 1, ((1983)) 1984, through June 30, ((1984)) 1985

Size Group Number	Standard Premium Range
<del>84</del>	<del>\$ 2,600 - \$ 2,909</del>
<del>83</del>	<del>2,910 - 3,269</del>
<del>82</del>	<del>3,270 - 3,659</del>
<del>81</del>	<del>3,660 - 4,099</del>
<del>80</del>	<del>4,100 - 4,599</del>
<del>79</del>	<del>4,600 - 5,159</del>
<del>78</del>	<del>5,160 - 5,769</del>
<del>77</del>	<del>5,770 - 6,319</del>
<del>76</del>	<del>6,320 - 6,919</del>
<del>75</del>	<del>6,920 - 7,569</del>
<del>74</del>	<del>7,570 - 8,099</del>
<del>73</del>	<del>8,100 - 8,659</del>
<del>72</del>	<del>8,660 - 9,269</del>
<del>71</del>	<del>9,270 - 9,899</del>
<del>70</del>	<del>9,900 - 10,499</del>
<del>69</del>	<del>10,500 - 11,299</del>
<del>68</del>	<del>11,300 - 12,099</del>
<del>67</del>	<del>12,100 - 12,999</del>
<del>66</del>	<del>13,000 - 13,899</del>
<del>65</del>	<del>13,900 - 14,899</del>
<del>64</del>	<del>14,900 - 15,899</del>
<del>63</del>	<del>15,900 - 16,999</del>
<del>62</del>	<del>17,000 - 18,199</del>
<del>61</del>	<del>18,200 - 19,399</del>
<del>60</del>	<del>19,400 - 20,799</del>
<del>59</del>	<del>20,800 - 22,299</del>
<del>58</del>	<del>22,300 - 23,799</del>
<del>57</del>	<del>23,800 - 25,499</del>
<del>56</del>	<del>25,500 - 27,299</del>
<del>55</del>	<del>27,300 - 29,199</del>
<del>54</del>	<del>29,200 - 31,199</del>
<del>53</del>	<del>31,200 - 33,399</del>
<del>52</del>	<del>33,400 - 35,699</del>
<del>51</del>	<del>35,700 - 38,199</del>
<del>50</del>	<del>38,200 - 40,799</del>
<del>49</del>	<del>40,800 - 43,699</del>
<del>48</del>	<del>43,700 - 46,699</del>
<del>47</del>	<del>46,700 - 49,999</del>
<del>46</del>	<del>50,000 - 53,499</del>
<del>45</del>	<del>53,500 - 57,199</del>
<del>44</del>	<del>57,200 - 61,499</del>
<del>43</del>	<del>61,500 - 66,399</del>
<del>42</del>	<del>66,400 - 71,699</del>
<del>41</del>	<del>71,700 - 77,399</del>
<del>40</del>	<del>77,400 - 83,599</del>

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
39	83,600 - 90,299	66	15,800 - 16,899
38	90,300 - 97,599	65	16,900 - 18,099
37	97,600 - 105,999	64	18,100 - 19,299
36	106,000 - 115,999	63	19,300 - 20,699
35	116,000 - 127,999	62	20,700 - 22,099
34	128,000 - 140,999	61	22,100 - 23,599
33	141,000 - 153,999	60	23,600 - 25,299
32	154,000 - 169,999	59	25,300 - 27,099
31	170,000 - 186,999	58	27,100 - 28,899
30	187,000 - 204,999	57	28,900 - 30,999
29	205,000 - 224,999	56	31,000 - 33,199
28	225,000 - 247,999	55	33,200 - 35,499
27	248,000 - 271,999	54	35,500 - 37,899
26	272,000 - 298,999	53	37,900 - 40,599
25	299,000 - 328,999	52	40,600 - 43,399
24	329,000 - 361,999	51	43,400 - 46,399
23	362,000 - 397,999	50	46,400 - 49,599
22	398,000 - 437,999	49	49,600 - 53,099
21	438,000 - 480,999	48	53,100 - 56,699
20	481,000 - 529,999	47	56,700 - 60,799
19	530,000 - 582,999	46	60,800 - 64,999
18	583,000 - 640,999	45	65,000 - 69,499
17	641,000 - 704,999	44	69,500 - 74,699
16	705,000 - 775,999	43	74,700 - 80,699
15	776,000 - 853,999	42	80,700 - 87,099
14	854,000 - 999,999	41	87,100 - 93,999
13	1,000,000 - 1,377,999	40	94,000 - 101,999
12	1,378,000 - 1,839,999	39	102,000 - 109,999
11	1,840,000 - 2,325,999	38	110,000 - 118,999
10	2,326,000 - 2,841,999	37	119,000 - 128,999
9	2,842,000 - 3,552,999	36	129,000 - 140,999
8	3,553,000 - 4,567,999	35	141,000 - 155,999
7	4,568,000 - 6,064,999	34	156,000 - 170,999
6	6,065,000 - 8,474,999	33	171,000 - 186,999
5	8,475,000 - 12,659,999	32	187,000 - 206,999
4	12,660,000 - 20,919,999	31	207,000 - 226,999
3	20,920,000 - 41,109,999	30	227,000 - 248,999
2	41,110,000 - 113,899,999	29	249,000 - 272,999
1	113,900,000 & over))	28	273,000 - 300,999
84	\$ 3,160 - \$ 3,539	27	301,000 - 329,999
83	3,540 - 3,969	26	330,000 - 362,999
82	3,970 - 4,449	25	363,000 - 399,999
81	4,450 - 4,979	24	400,000 - 439,999
80	4,980 - 5,589	23	440,000 - 483,999
79	5,590 - 6,269	22	484,000 - 531,999
78	6,270 - 7,009	21	532,000 - 583,999
77	7,010 - 7,679	20	584,000 - 643,999
76	7,680 - 8,409	19	644,000 - 707,999
75	8,410 - 9,199	18	708,000 - 778,999
74	9,200 - 9,839	17	779,000 - 856,999
73	9,840 - 10,499	16	857,000 - 942,999
72	10,500 - 11,299	15	943,000 - 1,069,999
71	11,300 - 11,999	14	1,070,000 - 1,214,999
70	12,000 - 12,799	13	1,215,000 - 1,377,999
69	12,800 - 13,699	12	1,378,000 - 1,839,999
68	13,700 - 14,699	11	1,840,000 - 2,325,999
67	14,700 - 15,799	10	2,326,000 - 2,841,999

Size Group Number	Standard Premium Range	Size Group Number	Standard Premium Range
9	2,842,000 - 3,552,999	4	12,660,000 - 20,919,999
8	3,553,000 - 4,567,999	3	20,920,000 - 41,109,999
7	4,568,000 - 6,064,999	2	41,110,000 - 113,899,999
6	6,065,000 - 8,474,999	1	113,900,000 & over
5	8,475,000 - 12,659,999		

AMENDATORY SECTION (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

WAC 296-17-91901 TABLE II.

RETROSPECTIVE RATING PLAN A  
BASIC PREMIUM RATIOS

LOSS CONVERSION FACTOR = ((-617)) .571

Effective for the coverage period beginning July 1, ((+1983)) 1984, through June 30, ((+1984)) 1985

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
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Size Group

<del>84</del>	.954	.945	.934	.924	.916	.909	.903	.897	.890	.884	.872	.860	.848	.824
83	.953	.940	.931	.921	.911	.903	.897	.890	.883	.876	.862	.849	.838	.813
82	.952	.938	.928	.916	.906	.898	.892	.884	.877	.868	.853	.840	.826	.802
81	.948	.935	.923	.913	.901	.893	.885	.877	.869	.860	.844	.829	.815	.789
80	.947	.932	.920	.907	.897	.888	.879	.870	.860	.852	.834	.819	.805	.778
79	.945	.930	.916	.903	.891	.882	.873	.861	.853	.843	.824	.808	.793	.767
78	.944	.927	.912	.898	.887	.876	.866	.856	.844	.835	.815	.798	.783	.755
77	.942	.922	.909	.895	.881	.871	.859	.848	.836	.826	.805	.787	.771	.744
76	.938	.919	.904	.888	.877	.864	.853	.840	.829	.817	.795	.776	.759	.731
75	.936	.917	.900	.884	.871	.857	.845	.832	.821	.807	.785	.764	.748	.720
74	.935	.913	.895	.879	.866	.852	.838	.823	.811	.798	.774	.753	.736	.709
73	.934	.910	.892	.875	.860	.844	.830	.817	.803	.788	.764	.742	.725	.697
72	.928	.907	.886	.869	.853	.838	.822	.808	.793	.778	.753	.731	.714	.685
71	.927	.901	.882	.865	.848	.832	.816	.799	.784	.768	.743	.720	.701	.674
70	.925	.898	.877	.858	.842	.824	.807	.790	.774	.758	.730	.707	.690	.662
69	.919	.893	.873	.852	.834	.817	.799	.781	.765	.749	.719	.695	.678	.651
68	.917	.890	.867	.847	.829	.808	.789	.771	.754	.737	.708	.684	.667	.639
67	.916	.884	.863	.841	.822	.800	.781	.762	.744	.724	.696	.673	.654	.627
66	.910	.881	.858	.837	.814	.794	.772	.752	.731	.714	.686	.660	.642	.616
65	.908	.879	.854	.830	.805	.786	.763	.743	.720	.703	.672	.648	.631	.604
64	.906	.872	.846	.823	.801	.777	.752	.732	.710	.692	.660	.637	.618	.593
63	.898	.863	.837	.811	.786	.761	.740	.717	.698	.677	.649	.625	.606	.579
62	.897	.860	.827	.800	.774	.749	.725	.705	.683	.666	.637	.612	.595	.565
61	.889	.851	.817	.789	.763	.737	.712	.690	.672	.654	.624	.600	.582	.551
60	.881	.842	.807	.775	.748	.722	.698	.678	.659	.642	.612	.589	.568	.537
59	.879	.833	.797	.764	.736	.711	.686	.666	.645	.629	.600	.577	.556	.522
58	.871	.824	.787	.753	.726	.699	.674	.653	.634	.617	.587	.563	.544	.507
57	.868	.815	.777	.743	.711	.685	.660	.640	.622	.605	.575	.551	.529	.491
56	.860	.806	.767	.732	.700	.674	.650	.630	.611	.592	.563	.536	.516	.476
55	.853	.798	.758	.723	.690	.663	.638	.619	.597	.580	.549	.524	.501	.461
54	.850	.788	.744	.709	.679	.652	.627	.604	.585	.568	.537	.511	.488	.446
53	.842	.779	.734	.697	.668	.637	.613	.593	.574	.554	.525	.496	.472	.432
52	.833	.769	.724	.687	.654	.626	.601	.581	.560	.542	.510	.484	.459	.415
51	.830	.760	.713	.676	.643	.616	.590	.567	.548	.530	.497	.469	.444	.402
50	.822	.750	.704	.666	.632	.604	.579	.555	.536	.515	.483	.455	.431	.386
49	.812	.741	.693	.652	.620	.590	.564	.544	.522	.503	.470	.440	.415	.371
48	.804	.731	.683	.640	.606	.579	.553	.528	.509	.491	.457	.427	.402	.358
47	.794	.721	.673	.630	.595	.567	.541	.517	.494	.476	.442	.412	.387	.342
46	.786	.712	.658	.619	.584	.552	.526	.505	.482	.464	.430	.398	.374	.329
45	.776	.702	.648	.604	.573	.541	.514	.489	.470	.449	.414	.384	.358	.314
44	.773	.692	.637	.593	.558	.528	.499	.477	.454	.435	.401	.371	.345	.302
43	.764	.682	.627	.582	.546	.513	.487	.462	.442	.420	.386	.356	.330	.288
42	.755	.672	.611	.571	.535	.502	.474	.450	.427	.408	.373	.342	.317	.274
41	.746	.662	.600	.556	.519	.486	.459	.434	.414	.392	.358	.327	.302	.262
40	.736	.652	.589	.544	.507	.473	.447	.421	.398	.379	.345	.315	.290	.248

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
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Size Group

39	.727	.636	.579	.528	.491	.458	.431	.406	.385	.364	.330	.302	.278	.236
38	.710	.625	.563	.516	.479	.446	.418	.393	.370	.351	.318	.288	.264	.226
37	.700	.614	.550	.500	.463	.430	.402	.377	.358	.336	.302	.276	.252	.215
36	.690	.597	.533	.488	.450	.416	.390	.364	.342	.323	.291	.265	.241	.205
35	.679	.585	.522	.462	.433	.400	.374	.349	.329	.311	.279	.251	.230	.195
34	.661	.568	.505	.458	.416	.387	.360	.337	.314	.297	.267	.240	.218	.186
33	.651	.550	.487	.441	.404	.371	.345	.321	.302	.284	.254	.229	.209	.177
32	.633	.538	.474	.424	.387	.358	.332	.308	.289	.272	.242	.218	.198	.168
31	.615	.521	.456	.411	.375	.341	.316	.296	.275	.258	.230	.208	.188	.159
30	.603	.503	.439	.394	.358	.329	.303	.281	.262	.246	.217	.195	.177	.151
29	.584	.490	.427	.377	.340	.313	.287	.267	.247	.231	.206	.184	.168	.142
28	.566	.472	.409	.363	.328	.296	.271	.252	.235	.219	.194	.173	.158	.134
27	.548	.454	.392	.346	.311	.284	.259	.240	.223	.208	.183	.163	.149	.127
26	.538	.443	.379	.329	.298	.266	.243	.225	.208	.193	.171	.153	.139	.118
25	.520	.426	.361	.316	.281	.253	.229	.211	.195	.181	.159	.143	.130	.111
24	.509	.408	.344	.299	.264	.237	.214	.196	.181	.169	.148	.133	.120	.103
23	.500	.397	.332	.282	.250	.221	.201	.183	.169	.155	.137	.123	.112	.096
22	.491	.386	.314	.268	.233	.207	.185	.169	.156	.144	.126	.113	.103	.090
21	.489	.369	.296	.250	.216	.191	.172	.156	.143	.134	.117	.105	.096	.084
20	.470	.349	.278	.232	.203	.178	.160	.146	.134	.124	.109	.099	.091	.081
19	.451	.329	.259	.215	.186	.164	.147	.135	.123	.115	.102	.094	.086	.077
18	.424	.304	.240	.201	.171	.152	.135	.125	.115	.107	.097	.088	.081	.074
17	.404	.284	.221	.184	.158	.139	.125	.115	.105	.098	.089	.081	.078	.070
16	.377	.265	.203	.168	.142	.126	.114	.105	.097	.091	.082	.077	.073	.067
15	.348	.244	.184	.153	.130	.114	.103	.094	.087	.083	.076	.071	.068	.064
14	.320	.219	.171	.137	.117	.102	.094	.085	.079	.076	.070	.066	.064	.060
13	.292	.199	.153	.125	.103	.092	.081	.077	.072	.068	.063	.061	.060	.058
12	.263	.179	.135	.109	.092	.081	.072	.067	.063	.060	.058	.056	.055	.054
11	.235	.160	.118	.097	.080	.069	.062	.059	.056	.054	.052	.051	.051	.051
10	.207	.141	.106	.086	.072	.064	.059	.056	.054	.053	.051	.051	.051	.051
9	.186	.123	.094	.077	.065	.060	.056	.054	.052	.052	.051	.051	.051	.051
8	.158	.105	.080	.068	.060	.056	.054	.052	.052	.051	.051	.051	.051	.051
7	.138	.093	.071	.061	.056	.054	.052	.051	.051	.051	.051	.051	.051	.051
6	.113	.078	.064	.057	.054	.052	.051	.051	.051	.051	.051	.051	.051	.051
5	.094	.067	.058	.053	.052	.051	.051	.051	.051	.051	.051	.051	.051	.051
4	.080	.059	.053	.052	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
3	.064	.054	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
2	.055	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
1	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051	.051
84	.954	.944	.933	.923	.915	.908	.902	.896	.889	.884	.872	.859	.847	.824
83	.952	.940	.930	.921	.911	.903	.897	.890	.883	.877	.862	.849	.836	.812
82	.951	.938	.927	.916	.905	.898	.891	.883	.876	.868	.854	.839	.826	.801
81	.947	.935	.922	.912	.901	.892	.884	.876	.868	.859	.844	.829	.814	.790
80	.946	.931	.920	.906	.896	.887	.878	.870	.859	.851	.834	.818	.804	.777
79	.944	.929	.917	.902	.892	.881	.872	.862	.854	.842	.825	.809	.793	.766
78	.944	.926	.911	.898	.886	.877	.865	.855	.845	.835	.814	.797	.782	.755
77	.942	.924	.908	.894	.882	.870	.859	.847	.836	.826	.805	.787	.769	.743
76	.938	.919	.903	.887	.876	.865	.852	.838	.828	.817	.794	.774	.758	.730
75	.936	.917	.900	.883	.870	.858	.844	.833	.819	.808	.785	.764	.747	.719
74	.935	.914	.894	.878	.865	.851	.836	.824	.810	.798	.774	.753	.736	.707
73	.933	.909	.891	.874	.858	.843	.831	.815	.801	.789	.764	.742	.724	.696
72	.927	.906	.885	.868	.854	.838	.823	.807	.791	.779	.751	.730	.712	.683
71	.926	.900	.881	.864	.847	.831	.814	.797	.782	.768	.741	.720	.700	.672
70	.924	.898	.876	.856	.840	.823	.806	.789	.772	.756	.729	.706	.688	.660
69	.922	.892	.872	.853	.835	.817	.797	.779	.763	.746	.719	.695	.677	.649
68	.917	.889	.866	.846	.828	.810	.788	.769	.752	.735	.707	.683	.664	.637
67	.915	.886	.862	.839	.820	.801	.779	.760	.742	.724	.694	.672	.652	.625
66	.913	.880	.856	.835	.812	.792	.772	.750	.731	.714	.683	.658	.641	.613
65	.907	.878	.853	.829	.808	.784	.764	.741	.721	.703	.671	.647	.629	.602
64	.905	.871	.845	.824	.799	.775	.754	.730	.710	.689	.659	.635	.615	.590
63	.898	.862	.835	.810	.788	.763	.738	.718	.696	.677	.646	.624	.604	.576
62	.896	.858	.826	.798	.772	.747	.725	.702	.683	.665	.634	.611	.592	.563
61	.888	.850	.815	.788	.761	.735	.710	.690	.671	.651	.623	.599	.579	.548
60	.885	.841	.806	.777	.749	.723	.699	.676	.656	.639	.611	.587	.566	.535
59	.878	.832	.795	.762	.734	.708	.683	.663	.645	.628	.597	.573	.554	.520
58	.870	.823	.786	.751	.723	.697	.672	.652	.633	.616	.586	.561	.540	.504
57	.867	.813	.775	.741	.712	.685	.660	.637	.619	.602	.573	.548	.526	.489
56	.859	.805	.766	.730	.701	.675	.650	.627	.608	.590	.560	.534	.512	.475

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group 55	.856	.801	.756	.721	.687	.660	.635	.615	.596	.579	.547	.522	.499	.458
54	.849	.791	.746	.710	.677	.649	.624	.604	.582	.565	.535	.509	.485	.442
53	.840	.782	.736	.695	.665	.638	.612	.589	.570	.553	.521	.494	.470	.429
52	.837	.772	.722	.684	.655	.627	.601	.578	.559	.541	.508	.481	.456	.412
51	.829	.763	.711	.674	.640	.612	.587	.566	.546	.526	.493	.466	.441	.398
50	.820	.753	.701	.663	.629	.601	.575	.551	.532	.514	.480	.453	.428	.383
49	.811	.744	.691	.653	.617	.589	.564	.540	.520	.501	.468	.437	.412	.367
48	.802	.734	.680	.637	.607	.575	.549	.527	.505	.487	.453	.424	.399	.353
47	.792	.724	.670	.627	.591	.564	.537	.513	.493	.474	.440	.410	.384	.338
46	.789	.715	.660	.616	.581	.552	.525	.500	.480	.459	.425	.396	.370	.324
45	.781	.700	.645	.605	.569	.537	.510	.488	.465	.446	.411	.381	.355	.312
44	.771	.689	.634	.589	.558	.524	.498	.473	.453	.431	.396	.367	.342	.297
43	.762	.679	.624	.579	.543	.513	.486	.460	.437	.418	.383	.352	.326	.284
42	.753	.669	.612	.567	.531	.498	.470	.445	.425	.405	.367	.339	.313	.270
41	.744	.659	.597	.556	.515	.485	.457	.432	.409	.389	.355	.323	.299	.257
40	.734	.649	.586	.541	.503	.469	.442	.416	.396	.377	.340	.311	.286	.245
39	.724	.638	.575	.528	.491	.456	.430	.404	.380	.361	.326	.299	.272	.232
38	.714	.622	.559	.512	.475	.441	.413	.388	.367	.348	.314	.284	.259	.220
37	.704	.611	.546	.499	.462	.428	.400	.375	.352	.333	.299	.272	.248	.210
36	.687	.593	.529	.483	.445	.411	.385	.359	.339	.321	.287	.260	.236	.199
35	.677	.582	.518	.471	.429	.399	.371	.346	.323	.305	.273	.247	.224	.189
34	.666	.565	.500	.454	.415	.382	.355	.331	.311	.293	.261	.235	.213	.180
33	.648	.552	.482	.436	.399	.369	.343	.318	.299	.281	.250	.225	.203	.171
32	.630	.534	.470	.423	.386	.353	.326	.302	.283	.266	.237	.213	.192	.162
31	.618	.517	.452	.406	.369	.340	.314	.290	.271	.254	.224	.201	.183	.153
30	.600	.504	.434	.388	.352	.323	.298	.277	.255	.239	.212	.189	.172	.144
29	.581	.486	.422	.375	.339	.307	.281	.261	.243	.227	.201	.179	.162	.136
28	.563	.468	.404	.358	.322	.294	.268	.249	.231	.215	.189	.168	.152	.127
27	.551	.450	.387	.341	.309	.277	.253	.233	.216	.201	.176	.158	.143	.121
26	.534	.438	.374	.328	.292	.264	.239	.220	.204	.188	.165	.147	.133	.112
25	.522	.421	.356	.310	.275	.247	.223	.205	.188	.176	.153	.137	.123	.104
24	.513	.410	.339	.293	.261	.231	.210	.191	.176	.162	.143	.126	.114	.097
23	.503	.392	.326	.279	.244	.217	.194	.176	.164	.150	.130	.117	.105	.089
22	.494	.381	.308	.262	.227	.200	.181	.164	.149	.138	.119	.107	.096	.082
21	.485	.364	.290	.244	.213	.187	.165	.149	.138	.127	.110	.099	.089	.076
20	.466	.343	.272	.226	.196	.171	.153	.139	.127	.119	.103	.092	.084	.074
19	.447	.323	.253	.212	.179	.159	.142	.128	.118	.109	.096	.086	.079	.070
18	.427	.303	.233	.194	.166	.144	.128	.118	.108	.100	.089	.081	.075	.067
17	.399	.284	.214	.177	.151	.132	.118	.107	.099	.092	.081	.075	.070	.063
16	.371	.258	.201	.164	.138	.121	.106	.098	.090	.083	.076	.070	.065	.059
15	.350	.237	.182	.146	.122	.106	.096	.087	.080	.076	.069	.064	.060	.056
14	.321	.217	.164	.130	.110	.095	.086	.077	.072	.068	.062	.058	.056	.053
13	.292	.192	.145	.118	.099	.084	.075	.069	.064	.061	.056	.054	.052	.050
12	.256	.172	.127	.101	.084	.074	.065	.059	.055	.053	.050	.048	.048	.046
11	.235	.153	.114	.089	.073	.063	.055	.051	.048	.046	.044	.043	.043	.043
10	.207	.134	.099	.078	.064	.056	.051	.048	.046	.045	.043	.043	.043	.043
9	.179	.116	.086	.069	.057	.053	.048	.046	.044	.044	.043	.043	.043	.043
8	.151	.098	.076	.060	.053	.048	.046	.044	.044	.043	.043	.043	.043	.043
7	.131	.085	.065	.054	.048	.046	.044	.043	.043	.043	.043	.043	.043	.043
6	.110	.073	.056	.049	.046	.044	.043	.043	.043	.043	.043	.043	.043	.043
5	.091	.059	.050	.045	.044	.043	.043	.043	.043	.043	.043	.043	.043	.043
4	.073	.053	.046	.044	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043
3	.056	.046	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043
2	.047	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043
1	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043	.043

AMENDATORY SECTION (Amending Order 83-4, filed 2/9/83, effective 7/1/83)

WAC 296-17-91902 TABLE III.

RETROSPECTIVE RATING PLAN B  
BASIC PREMIUM RATIOS  
AND LOSS CONVERSION FACTORS

Effective for the coverage period beginning July 1, ((1983)) 1984, through June 30, ((1984)) 1985

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
<del>((84</del> Basic Premium Ratio	.997	.994	.991	.988	.986	.983	.980	.977	.974	.971	.965	.960	.954	.942
<del>Loss Conversion Factor</del>	.003	.006	.009	.012	.014	.017	.020	.023	.026	.029	.035	.040	.046	.058
83 Basic Premium Ratio	.997	.994	.991	.988	.985	.981	.978	.975	.972	.969	.963	.957	.951	.938
Loss Conversion Factor	.003	.006	.009	.012	.015	.019	.022	.025	.028	.031	.037	.043	.049	.062
82 Basic Premium Ratio	.997	.993	.990	.987	.983	.980	.977	.974	.970	.967	.960	.954	.947	.934
Loss Conversion Factor	.003	.007	.010	.013	.017	.020	.023	.026	.030	.033	.040	.046	.053	.066
81 Basic Premium Ratio	.996	.993	.989	.986	.982	.979	.975	.972	.968	.965	.957	.950	.943	.929
Loss Conversion Factor	.004	.007	.011	.014	.018	.021	.025	.028	.032	.035	.043	.050	.057	.071
80 Basic Premium Ratio	.996	.992	.989	.985	.981	.977	.973	.970	.966	.962	.954	.947	.939	.924
Loss Conversion Factor	.004	.008	.011	.015	.019	.023	.027	.030	.034	.038	.046	.053	.061	.076
79 Basic Premium Ratio	.996	.992	.988	.984	.980	.976	.971	.967	.963	.959	.951	.943	.935	.919
Loss Conversion Factor	.004	.008	.012	.016	.020	.024	.029	.033	.037	.041	.049	.057	.065	.081
78 Basic Premium Ratio	.996	.991	.987	.983	.978	.974	.969	.965	.961	.956	.948	.939	.930	.913
Loss Conversion Factor	.004	.009	.013	.017	.022	.026	.031	.035	.039	.044	.052	.061	.070	.087
77 Basic premium Ratio	.995	.991	.986	.981	.977	.972	.967	.963	.958	.953	.944	.935	.925	.907
Loss Conversion Factor	.005	.009	.014	.019	.023	.028	.033	.037	.042	.047	.056	.065	.075	.093
76 Basic Premium Ratio	.995	.990	.985	.980	.975	.970	.965	.960	.955	.950	.940	.930	.920	.900
Loss Conversion Factor	.005	.010	.015	.020	.025	.030	.035	.040	.045	.050	.060	.070	.080	.100
75 Basic Premium Ratio	.995	.989	.984	.979	.973	.968	.962	.957	.952	.946	.936	.925	.914	.893
Loss Conversion Factor	.005	.011	.016	.021	.027	.032	.038	.043	.048	.054	.064	.075	.086	.107
74 Basic Premium Ratio	.994	.989	.983	.977	.971	.966	.960	.954	.948	.943	.931	.920	.908	.885
Loss Conversion Factor	.006	.011	.017	.023	.029	.034	.040	.046	.052	.057	.069	.080	.092	.115
73 Basic Premium Ratio	.994	.988	.982	.975	.969	.963	.957	.951	.945	.938	.926	.914	.902	.877
Loss Conversion Factor	.006	.012	.018	.025	.031	.037	.043	.049	.055	.062	.074	.086	.098	.123
72 Basic Premium Ratio	.993	.987	.980	.974	.967	.960	.954	.947	.941	.934	.921	.908	.895	.868
Loss Conversion Factor	.007	.013	.020	.026	.033	.040	.046	.053	.059	.066	.079	.092	.105	.132
71 Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.943	.936	.929	.915	.901	.887	.859
Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.057	.064	.071	.085	.099	.113	.141
70 Basic Premium Ratio	.992	.985	.977	.970	.962	.955	.947	.939	.932	.924	.909	.894	.879	.848
Loss Conversion Factor	.008	.015	.023	.030	.038	.045	.053	.061	.068	.076	.091	.106	.121	.152
69 Basic Premium Ratio	.992	.984	.976	.968	.959	.951	.943	.935	.927	.919	.903	.887	.870	.838
Loss Conversion Factor	.008	.016	.024	.032	.041	.049	.057	.065	.073	.081	.097	.113	.130	.162
68 Basic Premium Ratio	.991	.983	.974	.965	.957	.948	.939	.930	.922	.913	.896	.878	.861	.826
Loss Conversion Factor	.009	.017	.026	.035	.043	.052	.061	.070	.078	.087	.104	.122	.139	.174
67 Basic Premium Ratio	.991	.981	.972	.963	.953	.944	.935	.926	.916	.907	.888	.870	.851	.814
Loss Conversion Factor	.009	.019	.028	.037	.047	.056	.065	.074	.084	.093	.112	.130	.149	.186
66 Basic Premium Ratio	.990	.980	.970	.960	.950	.940	.930	.920	.910	.900	.880	.860	.840	.800
Loss Conversion Factor	.010	.020	.030	.040	.050	.060	.070	.080	.090	.100	.120	.140	.160	.200
65 Basic Premium Ratio	.989	.979	.968	.957	.946	.936	.925	.914	.903	.893	.871	.850	.828	.785
Loss Conversion Factor	.011	.021	.032	.043	.054	.064	.075	.086	.097	.107	.129	.150	.172	.215
64 Basic Premium Ratio	.989	.977	.966	.954	.943	.931	.920	.908	.897	.885	.862	.839	.816	.770
Loss Conversion Factor	.011	.023	.034	.046	.057	.069	.080	.092	.103	.115	.138	.161	.184	.230
63 Basic Premium Ratio	.988	.975	.963	.951	.938	.926	.914	.902	.889	.877	.852	.828	.803	.754
Loss Conversion Factor	.012	.025	.037	.049	.062	.074	.086	.098	.111	.123	.148	.172	.197	.246
62 Basic Premium Ratio	.987	.974	.960	.947	.934	.921	.908	.894	.881	.868	.841	.815	.789	.736
Loss Conversion Factor	.013	.026	.040	.053	.066	.079	.092	.106	.119	.132	.159	.185	.211	.264
61 Basic Premium Ratio	.986	.972	.957	.943	.929	.915	.901	.886	.872	.858	.830	.801	.773	.716

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Loss Conversion Factor	.014	.028	.043	.057	.071	.085	.099	.114	.128	.142	.170	.199	.227	.284
60 Basic Premium Ratio	.985	.969	.954	.939	.924	.908	.893	.878	.863	.847	.817	.786	.756	.695
Loss Conversion Factor	.015	.031	.046	.061	.076	.092	.107	.122	.137	.153	.183	.214	.244	.305
59 Basic Premium Ratio	.984	.967	.951	.934	.918	.901	.885	.868	.852	.835	.802	.769	.736	.670
Loss Conversion Factor	.016	.033	.049	.066	.082	.099	.115	.132	.148	.165	.198	.231	.264	.330
58 Basic Premium Ratio	.983	.965	.948	.930	.913	.895	.878	.860	.843	.825	.790	.755	.720	.651
Loss Conversion Factor	.017	.035	.052	.070	.087	.105	.122	.140	.157	.175	.210	.245	.280	.349
57 Basic Premium Ratio	.981	.963	.944	.926	.907	.889	.870	.851	.833	.814	.777	.740	.703	.629
Loss Conversion Factor	.019	.037	.056	.074	.093	.111	.130	.149	.167	.186	.223	.260	.297	.371
56 Basic Premium Ratio	.980	.960	.941	.921	.901	.881	.861	.841	.822	.802	.762	.723	.683	.604
Loss Conversion Factor	.020	.040	.059	.079	.099	.119	.139	.159	.178	.198	.238	.277	.317	.396
55 Basic Premium Ratio	.979	.958	.937	.916	.894	.873	.852	.831	.810	.789	.747	.705	.662	.578
Loss Conversion Factor	.021	.042	.063	.084	.106	.127	.148	.169	.190	.211	.253	.295	.338	.422
54 Basic Premium Ratio	.977	.955	.932	.909	.886	.864	.841	.818	.795	.773	.727	.682	.636	.545
Loss Conversion Factor	.023	.045	.068	.091	.114	.136	.159	.182	.205	.227	.273	.318	.364	.455
53 Basic Premium Ratio	.976	.951	.927	.902	.878	.853	.829	.805	.780	.756	.707	.658	.609	.511
Loss Conversion Factor	.024	.049	.073	.098	.122	.147	.171	.195	.220	.244	.293	.342	.391	.489
52 Basic Premium Ratio	.974	.948	.921	.895	.869	.843	.817	.790	.764	.738	.685	.633	.581	.476
Loss Conversion Factor	.026	.052	.079	.105	.131	.157	.183	.210	.236	.262	.315	.367	.419	.524
51 Basic Premium Ratio	.972	.943	.915	.887	.859	.830	.802	.774	.746	.717	.661	.604	.548	.435
Loss Conversion Factor	.028	.057	.085	.113	.141	.170	.198	.226	.254	.283	.339	.396	.452	.565
50 Basic Premium Ratio	.970	.939	.909	.879	.848	.818	.787	.757	.727	.696	.636	.575	.514	.393
Loss Conversion Factor	.030	.061	.091	.121	.152	.182	.213	.243	.273	.304	.364	.425	.486	.607
49 Basic Premium Ratio	.967	.934	.902	.869	.836	.803	.770	.737	.705	.672	.606	.540	.475	.343
Loss Conversion Factor	.033	.066	.098	.131	.164	.197	.230	.263	.295	.328	.394	.460	.525	.657
48 Basic Premium Ratio	.965	.929	.894	.859	.823	.788	.753	.717	.682	.647	.576	.505	.435	.293
Loss Conversion Factor	.035	.071	.106	.141	.177	.212	.247	.283	.318	.353	.424	.495	.565	.707
47 Basic Premium Ratio	.962	.924	.887	.849	.811	.773	.735	.698	.660	.622	.547	.471	.395	.244
Loss Conversion Factor	.038	.076	.113	.151	.189	.227	.265	.302	.340	.378	.453	.529	.605	.756
46 Basic Premium Ratio	.959	.919	.878	.837	.797	.756	.716	.675	.634	.594	.512	.431	.350	.187
Loss Conversion Factor	.041	.081	.122	.163	.203	.244	.284	.325	.366	.406	.488	.569	.650	.813
45 Basic Premium Ratio	.956	.912	.868	.824	.780	.736	.693	.649	.605	.561	.473	.385	.297	.122
Loss Conversion Factor	.044	.088	.132	.176	.220	.264	.307	.351	.395	.439	.527	.615	.703	.878
44 Basic Premium Ratio	.953	.906	.859	.812	.764	.717	.670	.623	.576	.529	.435	.341	.246	.058
Loss Conversion Factor	.047	.094	.141	.188	.236	.283	.330	.377	.424	.471	.565	.659	.754	.942
43 Basic Premium Ratio	.949	.898	.848	.797	.746	.695	.645	.594	.543	.492	.391	.289	.187	.000
Loss Conversion Factor	.051	.102	.152	.203	.254	.305	.355	.406	.457	.508	.609	.711	.813	.995
42 Basic Premium Ratio	.946	.892	.837	.783	.729	.675	.621	.567	.512	.458	.350	.242	.133	.000
Loss Conversion Factor	.054	.108	.163	.217	.271	.325	.379	.433	.488	.542	.650	.758	.867	.963
41 Basic Premium Ratio	.941	.882	.823	.764	.705	.645	.586	.527	.468	.409	.291	.173	.055	.000
Loss Conversion Factor	.059	.118	.177	.236	.295	.355	.414	.473	.532	.591	.709	.827	.945	.933
40 Basic Premium Ratio	.937	.874	.811	.748	.684	.621	.558	.495	.432	.369	.243	.117	.000	.000
Loss Conversion Factor	.063	.126	.189	.252	.316	.379	.442	.505	.568	.631	.757	.883	.997	.907
39 Basic Premium Ratio	.932	.864	.795	.727	.659	.591	.523	.455	.386	.318	.182	.045	.000	.000
Loss Conversion Factor	.068	.136	.205	.273	.341	.409	.477	.545	.614	.682	.818	.955	.964	.885
38 Basic Premium Ratio	.927	.853	.780	.707	.633	.560	.487	.414	.340	.267	.120	.000	.000	.000
Loss Conversion Ratio	.073	.147	.220	.293	.367	.440	.513	.586	.660	.733	.880	.989	.937	.862
37 Basic Premium Ratio	.921	.841	.762	.683	.604	.524	.445	.366	.287	.207	.049	.000	.000	.000
Loss Conversion Factor	.079	.159	.238	.317	.396	.476	.555	.634	.713	.793	.951	.960	.911	.842
36 Basic Premium Ratio	.914	.829	.743	.658	.572	.487	.401	.316	.230	.145	.000	.000	.000	.000
Loss Conversion Factor	.086	.171	.257	.342	.428	.513	.599	.684	.770	.855	.989	.931	.887	.824
35 Basic Premium Ratio	.907	.814	.721	.629	.536	.443	.350	.257	.164	.071	.000	.000	.000	.000
Loss Conversion Factor	.093	.186	.279	.371	.464	.557	.650	.743	.836	.929	.958	.905	.865	.809
34 Basic Premium Ratio	.899	.798	.698	.597	.496	.395	.295	.194	.093	.000	.000	.000	.000	.000
Loss Conversion Factor	.101	.202	.302	.403	.504	.605	.705	.806	.907	.996	.931	.882	.846	.794
33 Basic Premium Ratio	.890	.780	.669	.559	.449	.339	.229	.119	.008	.000	.000	.000	.000	.000

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00	
Size Group															
32	Loss Conversion Factor	.110	.220	.331	.441	.551	.661	.771	.881	.992	.963	.904	.861	.828	.781
	Basic Premium Ratio	.880	.759	.639	.519	.398	.278	.157	.037	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.120	.241	.361	.481	.602	.722	.843	.963	.972	.936	.880	.841	.811	.769
31	Basic Premium Ratio	.869	.737	.606	.475	.343	.212	.081	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.131	.263	.394	.525	.657	.788	.919	.983	.942	.909	.860	.823	.796	.757
30	Basic Premium Ratio	.856	.711	.567	.422	.278	.133	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.144	.289	.433	.578	.722	.867	.996	.951	.913	.885	.839	.807	.780	.746
29	Basic Premium Ratio	.841	.681	.522	.363	.203	.044	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.159	.319	.478	.637	.797	.956	.964	.922	.889	.862	.820	.790	.768	.737
28	Basic Premium Ratio	.824	.649	.473	.297	.122	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.176	.351	.527	.703	.878	.981	.934	.895	.865	.839	.802	.774	.755	.727
27	Basic Premium Ratio	.807	.613	.420	.226	.033	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.193	.387	.580	.774	.967	.951	.906	.871	.842	.820	.786	.761	.743	.718
26	Basic Premium Ratio	.786	.572	.359	.145	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.214	.428	.641	.855	.975	.921	.880	.847	.822	.802	.770	.748	.732	.709
25	Basic Premium Ratio	.764	.529	.293	.058	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.236	.471	.707	.942	.945	.894	.854	.825	.802	.784	.755	.736	.721	.702
24	Basic Conversion Ratio	.740	.480	.220	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.260	.520	.780	.985	.917	.867	.833	.805	.785	.768	.742	.725	.712	.695
23	Basic Premium Ratio	.713	.426	.140	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.287	.574	.860	.954	.889	.843	.810	.786	.766	.752	.729	.714	.703	.688
22	Basic Premium Ratio	.690	.381	.071	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.310	.619	.929	.925	.861	.819	.791	.768	.751	.737	.718	.704	.694	.682
21	Basic Premium Ratio	.664	.328	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.336	.672	.998	.896	.837	.798	.772	.753	.737	.725	.708	.696	.687	.677
20	Basic Premium Ratio	.621	.242	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.379	.758	.953	.863	.813	.780	.756	.739	.726	.716	.701	.691	.683	.673
19	Basic Premium Ratio	.579	.157	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.421	.843	.912	.837	.791	.761	.741	.726	.716	.707	.694	.685	.679	.671
18	Basic Premium Ratio	.516	.032	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.484	.968	.879	.810	.771	.746	.728	.714	.705	.698	.687	.680	.675	.668
17	Basic Premium Ratio	.445	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.555	.961	.845	.786	.753	.731	.715	.705	.696	.690	.681	.675	.671	.665
16	Basic Premium Ratio	.350	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.650	.918	.816	.767	.737	.717	.704	.695	.688	.683	.675	.671	.667	.663
15	Basic Premium Ratio	.235	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.765	.871	.789	.748	.722	.705	.694	.686	.680	.675	.670	.666	.663	.660
14	Basic Premium Ratio	.071	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.929	.840	.767	.731	.709	.694	.685	.677	.672	.670	.665	.662	.660	.658
13	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.962	.803	.747	.716	.696	.684	.676	.670	.666	.663	.659	.658	.656	.655
12	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.895	.775	.727	.701	.685	.675	.668	.663	.660	.658	.655	.655	.653	.652
11	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.851	.754	.712	.688	.674	.666	.660	.657	.654	.653	.651	.650	.650	.650
10	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.813	.731	.698	.679	.667	.660	.657	.654	.653	.651	.651	.650	.650	.650
9	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.776	.713	.686	.671	.662	.657	.654	.653	.651	.651	.650	.650	.650	.650
8	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.749	.698	.676	.664	.657	.654	.653	.651	.651	.650	.650	.650	.650	.650
7	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.724	.684	.668	.659	.654	.652	.651	.651	.650	.650	.650	.650	.650	.650
6	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
	Loss Conversion Factor	.703	.673	.661	.654	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650
5	Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000



Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Loss Conversion Factor	.686	.663	.655	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650	.650
4 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.672	.657	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
3 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.661	.652	.651	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
2 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.654	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
1 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650	.650
84 Basic Premium Ratio	.998	.995	.993	.990	.988	.985	.983	.980	.978	.975	.970	.965	.960	.950
Loss Conversion Factor	.002	.005	.007	.010	.012	.015	.017	.020	.022	.025	.030	.035	.040	.050
83 Basic Premium Ratio	.997	.994	.992	.989	.986	.983	.981	.978	.975	.972	.967	.961	.956	.945
Loss Conversion Factor	.003	.006	.008	.011	.014	.017	.019	.022	.025	.028	.033	.039	.044	.055
82 Basic Premium Ratio	.997	.994	.991	.988	.985	.982	.979	.976	.972	.969	.963	.957	.951	.939
Loss Conversion Factor	.003	.006	.009	.012	.015	.018	.021	.024	.028	.031	.037	.043	.049	.061
81 Basic Premium Ratio	.997	.993	.990	.986	.983	.980	.976	.973	.970	.966	.959	.953	.946	.932
Loss Conversion Factor	.003	.007	.010	.014	.017	.020	.024	.027	.030	.034	.041	.047	.054	.068
80 Basic Premium Ratio	.996	.993	.989	.985	.981	.978	.974	.970	.966	.963	.955	.948	.940	.925
Loss Conversion Factor	.004	.007	.011	.015	.019	.022	.026	.030	.034	.037	.045	.052	.060	.075
79 Basic Premium Ratio	.996	.992	.988	.983	.979	.975	.971	.967	.963	.959	.950	.942	.934	.917
Loss Conversion Factor	.004	.008	.012	.017	.021	.025	.029	.033	.037	.041	.050	.058	.066	.083
78 Basic Premium Ratio	.995	.991	.986	.982	.977	.973	.968	.964	.959	.955	.946	.936	.927	.909
Loss Conversion Factor	.005	.009	.014	.018	.023	.027	.032	.036	.041	.045	.054	.064	.073	.091
77 Basic Premium Ratio	.995	.990	.985	.980	.975	.970	.965	.960	.955	.950	.940	.930	.920	.900
Loss Conversion Factor	.005	.010	.015	.020	.025	.030	.035	.040	.045	.050	.060	.070	.080	.100
76 Basic Premium Ratio	.995	.989	.984	.978	.973	.967	.962	.956	.951	.945	.935	.924	.913	.891
Loss Conversion Factor	.005	.011	.016	.022	.027	.033	.038	.044	.049	.055	.065	.076	.087	.109
75 Basic Premium Ratio	.994	.988	.982	.976	.970	.964	.958	.952	.946	.940	.929	.917	.905	.881
Loss Conversion Factor	.006	.012	.018	.024	.030	.036	.042	.048	.054	.060	.071	.083	.095	.119
74 Basic Premium Ratio	.994	.987	.981	.974	.968	.961	.955	.948	.942	.935	.922	.909	.896	.870
Loss Conversion Factor	.006	.013	.019	.026	.032	.039	.045	.052	.058	.065	.078	.091	.104	.130
73 Basic Premium Ratio	.993	.986	.979	.972	.965	.958	.951	.944	.937	.930	.915	.901	.887	.859
Loss Conversion Factor	.007	.014	.021	.028	.035	.042	.049	.056	.063	.070	.085	.099	.113	.141
72 Basic Premium Ratio	.992	.985	.977	.969	.962	.954	.947	.939	.931	.924	.908	.893	.878	.847
Loss Conversion Factor	.008	.015	.023	.031	.038	.046	.053	.061	.069	.076	.092	.107	.122	.153
71 Basic Premium Ratio	.992	.984	.975	.967	.959	.951	.942	.934	.926	.918	.901	.885	.868	.835
Loss Conversion Factor	.008	.016	.025	.033	.041	.049	.058	.066	.074	.082	.099	.115	.132	.165
70 Basic Premium Ratio	.991	.982	.973	.964	.956	.947	.938	.929	.920	.911	.893	.876	.858	.822
Loss Conversion Factor	.009	.018	.027	.036	.044	.053	.062	.071	.080	.089	.107	.124	.142	.178
69 Basic Premium Ratio	.990	.981	.971	.962	.952	.943	.933	.924	.914	.905	.886	.867	.847	.809
Loss Conversion Factor	.010	.019	.029	.038	.048	.057	.067	.076	.086	.095	.114	.133	.153	.191
68 Basic Premium Ratio	.990	.980	.969	.959	.949	.939	.929	.918	.908	.898	.878	.857	.837	.796
Loss Conversion Factor	.010	.020	.031	.041	.051	.061	.071	.082	.092	.102	.122	.143	.163	.204
67 Basic Premium Ratio	.989	.978	.967	.957	.946	.935	.924	.913	.902	.891	.870	.848	.826	.783
Loss Conversion Factor	.011	.022	.033	.043	.054	.065	.076	.087	.098	.109	.130	.152	.174	.217
66 Basic Premium Ratio	.988	.977	.965	.954	.942	.931	.919	.908	.896	.885	.861	.838	.815	.769
Loss Conversion Factor	.012	.023	.035	.046	.058	.069	.081	.092	.104	.115	.139	.162	.185	.231
65 Basic Premium Ratio	.988	.976	.963	.951	.939	.927	.915	.902	.890	.878	.854	.829	.805	.756
Loss Conversion Factor	.012	.024	.037	.049	.061	.073	.085	.098	.110	.122	.146	.171	.195	.244
64 Basic Premium Ratio	.987	.974	.961	.949	.936	.923	.910	.897	.884	.871	.846	.820	.794	.743
Loss Conversion Factor	.013	.026	.039	.051	.064	.077	.090	.103	.116	.129	.154	.180	.206	.257
63 Basic Premium Ratio	.987	.973	.960	.946	.933	.919	.906	.892	.879	.865	.838	.811	.785	.731
Loss Conversion Factor	.013	.027	.040	.054	.067	.081	.094	.108	.121	.135	.162	.189	.215	.269
62 Basic Premium Ratio	.986	.972	.958	.944	.930	.916	.902	.888	.874	.860	.831	.803	.775	.719
Loss Conversion Factor	.014	.028	.042	.056	.070	.084	.098	.112	.126	.140	.169	.197	.225	.281
61 Basic Premium Ratio	.985	.971	.956	.942	.927	.913	.898	.883	.869	.854	.825	.796	.767	.709

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Loss Conversion Factor	.015	.029	.044	.058	.073	.087	.102	.117	.131	.146	.175	.204	.233	.291
60 Basic Premium Ratio	.985	.970	.955	.940	.925	.910	.895	.880	.865	.850	.820	.790	.760	.699
Loss Conversion Factor	.015	.030	.045	.060	.075	.090	.105	.120	.135	.150	.180	.210	.240	.301
59 Basic Premium Ratio	.982	.963	.945	.927	.909	.890	.872	.854	.835	.817	.780	.744	.707	.634
Loss Conversion Factor	.018	.037	.055	.073	.091	.110	.128	.146	.165	.183	.220	.256	.293	.366
58 Basic Premium Ratio	.980	.961	.941	.922	.902	.882	.863	.843	.823	.804	.765	.725	.686	.608
Loss Conversion Factor	.020	.039	.059	.078	.098	.118	.137	.157	.177	.196	.235	.275	.314	.392
57 Basic Premium Ratio	.979	.958	.937	.916	.895	.874	.852	.831	.810	.789	.747	.705	.663	.579
Loss Conversion Factor	.021	.042	.063	.084	.105	.126	.148	.169	.190	.211	.253	.295	.337	.421
56 Basic Premium Ratio	.977	.954	.932	.909	.886	.863	.841	.818	.795	.772	.727	.681	.636	.545
Loss Conversion Factor	.023	.046	.068	.091	.114	.137	.159	.182	.205	.228	.273	.319	.364	.455
55 Basic Premium Ratio	.975	.951	.926	.902	.877	.853	.828	.804	.779	.755	.705	.656	.607	.509
Loss Conversion Factor	.025	.049	.074	.098	.123	.147	.172	.196	.221	.245	.295	.344	.393	.491
54 Basic Premium Ratio	.973	.947	.920	.893	.867	.840	.814	.787	.760	.734	.680	.627	.574	.467
Loss Conversion Factor	.027	.053	.080	.107	.133	.160	.186	.213	.240	.266	.320	.373	.426	.533
53 Basic Premium Ratio	.971	.942	.914	.885	.856	.827	.798	.769	.741	.712	.654	.597	.539	.424
Loss Conversion Factor	.029	.058	.086	.115	.144	.173	.202	.231	.259	.288	.346	.403	.461	.576
52 Basic Premium Ratio	.969	.938	.907	.876	.845	.814	.782	.751	.720	.689	.627	.565	.503	.379
Loss Conversion Factor	.031	.062	.093	.124	.155	.186	.218	.249	.280	.311	.373	.435	.497	.621
51 Basic Premium Ratio	.966	.933	.899	.866	.832	.799	.765	.732	.698	.665	.598	.531	.464	.330
Loss Conversion Factor	.034	.067	.101	.134	.168	.201	.235	.268	.302	.335	.402	.469	.536	.670
50 Basic Premium Ratio	.964	.928	.892	.855	.819	.783	.747	.711	.675	.638	.566	.494	.421	.277
Loss Conversion Factor	.036	.072	.108	.145	.181	.217	.253	.289	.325	.362	.434	.506	.579	.723
49 Basic Premium Ratio	.961	.922	.883	.844	.805	.766	.727	.688	.649	.610	.532	.454	.376	.220
Loss Conversion Factor	.039	.078	.117	.156	.195	.234	.273	.312	.351	.390	.468	.546	.624	.780
48 Basic Premium Ratio	.958	.916	.874	.832	.790	.748	.706	.664	.622	.580	.496	.412	.328	.159
Loss Conversion Factor	.042	.084	.126	.168	.210	.252	.294	.336	.378	.420	.504	.588	.672	.841
47 Basic Premium Ratio	.955	.910	.864	.819	.774	.729	.683	.638	.593	.548	.457	.367	.276	.096
Loss Conversion Factor	.045	.090	.136	.181	.226	.271	.317	.362	.407	.452	.543	.633	.724	.904
46 Basic Premium Ratio	.951	.903	.854	.806	.757	.709	.660	.612	.563	.515	.418	.321	.223	.029
Loss Conversion Factor	.049	.097	.146	.194	.243	.291	.340	.388	.437	.485	.582	.679	.777	.971
45 Basic Premium Ratio	.948	.895	.843	.791	.738	.686	.633	.581	.529	.476	.372	.267	.162	.000
Loss Conversion Factor	.052	.105	.157	.209	.262	.314	.367	.419	.471	.524	.628	.733	.838	.977
44 Basic Premium Ratio	.944	.887	.831	.775	.718	.662	.606	.549	.493	.437	.324	.211	.099	.000
Loss Conversion Factor	.056	.113	.169	.225	.282	.338	.394	.451	.507	.563	.676	.789	.901	.944
43 Basic Premium Ratio	.939	.879	.818	.757	.696	.636	.575	.514	.453	.393	.271	.150	.028	.000
Loss Conversion Factor	.061	.121	.182	.243	.304	.364	.425	.486	.547	.607	.729	.850	.972	.912
42 Basic Premium Ratio	.935	.870	.805	.739	.674	.609	.544	.479	.414	.348	.218	.088	.000	.000
Loss Conversion Factor	.065	.130	.195	.261	.326	.391	.456	.521	.586	.652	.782	.912	.979	.883
41 Basic Premium Ratio	.930	.859	.789	.719	.649	.578	.508	.438	.367	.297	.157	.016	.000	.000
Loss Conversion Factor	.070	.141	.211	.281	.351	.422	.492	.562	.633	.703	.843	.984	.945	.856
40 Basic Premium Ratio	.924	.848	.772	.696	.619	.543	.467	.391	.315	.239	.087	.000	.000	.000
Loss Conversion Factor	.076	.152	.228	.304	.381	.457	.533	.609	.685	.761	.913	.970	.915	.832
39 Basic Premium Ratio	.918	.836	.754	.673	.591	.509	.427	.345	.263	.181	.018	.000	.000	.000
Loss Conversion Factor	.082	.164	.246	.327	.409	.491	.573	.655	.737	.819	.982	.936	.884	.811
38 Basic Premium Ratio	.911	.822	.732	.643	.554	.465	.375	.286	.197	.108	.000	.000	.000	.000
Loss Conversion Factor	.089	.178	.268	.357	.446	.535	.625	.714	.803	.892	.970	.907	.859	.791
37 Basic Premium Ratio	.904	.807	.711	.614	.518	.421	.325	.228	.132	.036	.000	.000	.000	.000
Loss Conversion Factor	.096	.193	.289	.386	.482	.579	.675	.772	.868	.964	.936	.880	.835	.772
36 Basic Premium Ratio	.895	.790	.685	.580	.475	.370	.265	.161	.056	.000	.000	.000	.000	.000
Loss Conversion Factor	.105	.210	.315	.420	.525	.630	.735	.839	.944	.981	.906	.854	.813	.756
35 Basic Premium Ratio	.886	.772	.658	.544	.430	.316	.202	.088	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.114	.228	.342	.456	.570	.684	.798	.912	.989	.946	.878	.830	.793	.742
34 Basic Premium Ratio	.875	.751	.626	.501	.377	.252	.127	.003	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.125	.249	.374	.499	.623	.748	.873	.997	.952	.913	.854	.809	.775	.728
33 Basic Premium Ratio	.864	.728	.592	.456	.320	.184	.047	.000	.000	.000	.000	.000	.000	.000

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Loss Conversion Factor	.136	.272	.408	.544	.680	.816	.953	.964	.920	.884	.829	.790	.760	.716
32 Basic Premium Ratio	.850	.701	.551	.401	.251	.102	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.150	.299	.449	.599	.749	.898	.983	.929	.891	.858	.807	.772	.744	.705
31 Basic Premium Ratio	.834	.669	.503	.338	.172	.007	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.166	.331	.497	.662	.828	.993	.945	.901	.863	.834	.789	.754	.730	.694
30 Basic Premium Ratio	.818	.637	.455	.273	.091	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.182	.363	.545	.727	.909	.966	.913	.872	.837	.811	.769	.740	.715	.684
29 Basic Premium Ratio	.799	.597	.396	.195	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.201	.403	.604	.805	.998	.931	.884	.846	.815	.790	.752	.725	.704	.675
28 Basic Premium Ratio	.778	.555	.333	.110	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.222	.445	.667	.890	.959	.899	.857	.821	.793	.770	.736	.710	.692	.667
27 Basic Premium Ratio	.753	.506	.259	.012	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.247	.494	.741	.988	.928	.872	.831	.798	.772	.752	.721	.698	.681	.659
26 Basic Premium Ratio	.727	.453	.180	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.273	.547	.820	.969	.894	.844	.807	.777	.754	.735	.706	.686	.672	.650
25 Basic Premium Ratio	.699	.398	.097	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.301	.602	.903	.935	.867	.820	.783	.757	.735	.719	.693	.675	.661	.643
24 Basic Premium Ratio	.668	.336	.004	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.332	.664	.996	.903	.841	.795	.763	.738	.720	.704	.680	.664	.652	.637
23 Basic Premium Ratio	.639	.278	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.361	.722	.968	.875	.815	.773	.743	.720	.703	.690	.669	.655	.644	.631
22 Basic Premium Ratio	.612	.225	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.388	.775	.943	.848	.790	.751	.725	.704	.688	.676	.658	.645	.636	.625
21 Basic Premium Ratio	.589	.179	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.411	.821	.915	.822	.767	.732	.708	.690	.676	.665	.649	.638	.630	.621
20 Basic Premium Ratio	.534	.069	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.466	.931	.875	.792	.745	.715	.693	.677	.666	.656	.642	.634	.627	.617
19 Basic Premium Ratio	.476	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.524	.979	.837	.767	.725	.698	.680	.666	.656	.648	.636	.628	.622	.615
18 Basic Premium Ratio	.401	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.599	.927	.806	.743	.706	.683	.668	.655	.647	.640	.630	.624	.619	.612
17 Basic Premium Ratio	.305	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.695	.881	.775	.720	.690	.670	.655	.647	.638	.632	.624	.619	.615	.610
16 Basic Premium Ratio	.202	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.798	.841	.748	.704	.676	.658	.646	.637	.631	.626	.619	.615	.612	.608
15 Basic Premium Ratio	.028	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.972	.798	.724	.686	.662	.646	.636	.629	.624	.619	.614	.610	.608	.605
14 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.938	.770	.704	.670	.650	.636	.628	.621	.617	.614	.609	.607	.605	.603
13 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.882	.737	.684	.656	.638	.628	.620	.614	.611	.608	.605	.603	.602	.600
12 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.821	.711	.667	.642	.628	.619	.612	.608	.605	.603	.601	.601	.599	.598
11 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.781	.691	.653	.632	.619	.610	.605	.602	.599	.598	.597	.596	.596	.596
10 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.745	.671	.640	.623	.612	.606	.602	.598	.598	.597	.597	.596	.596	.596
9 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.712	.654	.629	.615	.608	.603	.599	.598	.597	.597	.596	.596	.596	.596
8 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.687	.640	.620	.608	.603	.600	.598	.597	.597	.596	.596	.596	.596	.596
7 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.665	.628	.612	.604	.600	.598	.597	.597	.596	.596	.596	.596	.596	.596
6 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.645	.617	.606	.600	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596
5 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000

Maximum Premium Ratio:	1.05	1.10	1.15	1.20	1.25	1.30	1.35	1.40	1.45	1.50	1.60	1.70	1.80	2.00
Size Group														
Loss Conversion Factor	.629	.608	.600	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	.596
4 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.616	.602	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596
3 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.606	.598	.597	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596
2 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.599	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596
1 Basic Premium Ratio	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000	.000
Loss Conversion Factor	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596	.596

**WSR 84-06-025**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Institutions)**  
 [Filed February 29, 1984]

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 transfer of juvenile offender to the department of corrections, new chapter 273-33 WAC.

It is the intention of the secretary to adopt these rules on an emergency basis on or about February 28, 1984;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

The authority under which these rules are proposed is RCW 13.40.280.

The specific statute these rules are intended to implement is RCW 13.40.280.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

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 March 28, 1984. The meeting site is in a location which is barrier free.

Dated: February 28, 1984  
 By: David A. Hogan, Director  
 Division of Administration and Personnel

**STATEMENT OF PURPOSE**

The purpose of new chapter 275-33 WAC is to establish procedures for the transfer of juvenile offenders to the Department of Corrections. These rules are necessary for compliance with RCW 13.40.280. Chapter 275-33 WAC establishes a review board in juvenile institutions that considers reasons for transferring a youth to the Department of Corrections. This board determines if transfer is valid due to behavior that presents a continuing and serious threat to the safety of others in the institution.

Jerome M. Wasson, Director, Division of Juvenile Rehabilitation, proposed this new chapter, and is responsible for its drafting, implementation and enforcement.

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

Chapter 275-33 WAC  
**TRANSFER OF JUVENILE OFFENDER TO THE DEPARTMENT OF CORRECTIONS**

NEW SECTION

WAC 275-33-010 PURPOSE. The purpose of this chapter is to establish standards and procedures for the conduct of review boards for juvenile offenders being considered for transfer to the department of corrections (DOC) from the department of social and health services in accordance with RCW 13.40.280.

NEW SECTION

WAC 275-33-020 NOTIFICATION TO JUVENILE. A juvenile being considered for transfer to DOC shall be notified in writing at least five days in advance of the review board hearing convened to consider the matter. Notification to the juvenile offender will include the reasons the transfer is being considered, and that the offender has the right to be represented by counsel before the review board.

NEW SECTION

WAC 275-33-030 COMPOSITION OF BOARD. The review board will be composed of the superintendent of the institution in which the offender resides and two other juvenile rehabilitation administrators appointed by the superintendent. The superintendent will convene and chair the board.

NEW SECTION

WAC 275-33-040 ATTENDANCE AT HEARING. Attendance at a review board shall be limited to parties directly concerned. The chairperson may exclude unauthorized persons unless the parties agree to their presence. Parties shall have the right to present evidence, cross-examine witnesses and make recommendations to the board. All relevant and material evidence is admissible which, in the opinion of

the chairperson, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness.

NEW SECTION

WAC 275-33-050 CONSIDERATION OF EVIDENCE. At the conclusion of the hearing, the review board will consider all evidence presented and make a decision whether continued placement of the juvenile offender in an institution for juvenile offenders presents a continuing and serious threat to the safety of others in the institution.

NEW SECTION

WAC 275-33-060 RECORD OF DECISION. The chair of the review board will prepare a written record of the decision and reasons therefore. The review board shall be recorded manually, or by mechanical, electronic, or other device capable of transcription.

**WSR 84-06-026**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed February 29, 1984]

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 mandatory monthly reporting, amending WAC 388-24-044;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

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

The specific statute these rules are intended to implement is RCW 74.08.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

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 March 28, 1984. The meeting site is in a location which is barrier free.

Dated: February 28, 1984

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 388-24-044.

Purpose of the Rule: To further defined mandatory monthly reporting nonexempt cases.

The Reasons these Rules are Necessary: To reduce quality control errors caused by action and computer time lags.

Statutory Authority: RCW 74.08.090.

Summary of Rule: Language has been added to clarify that the high risk categories must appear on the certification and computation of grant forms before the cases are required to report their circumstances monthly.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: MaryRose Trepanier, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-3177.

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

AMENDATORY SECTION (Amending Order 1993, filed 8/5/83)

WAC 388-24-044 MANDATORY MONTHLY REPORTING.  
 (1) As a condition of continuing eligibility for AFDC and RA, 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)) whose certification and computation of grant form indicates:

- (a) Income budgeted from the grant,
- (b) Deprivation or reduction in earnings occurring within ((the last)) twelve months preceding the month of application for assistance,
- (c) A fraud overpayment deduction,
- (d) ((An eighteen-year-old-in-school;
- (e)) WIN exemption due to ((remoteness-or)) illness,
- ((ff)) (e) An individual sixteen ((or-seventeen)) through eighteen years of age ((in-school)),
- ((gg)) (f) An individual without a Social Security Number,
- ((hh)) (g) 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.

**WSR 84-06-027**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed February 29, 1984]

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 standards of assistance for the Supplemental Security Income (SSI) Program, amending WAC 388-29-295;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

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 April 11, 1984.

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 March 28, 1984. The meeting site is in a location which is barrier free.

Dated: February 28, 1984

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 388-29-295.

The Purpose of the Rule Change: To update SSI standards.

The Reason this Rule Change is Necessary: Cost of living adjustment (COLA) by SSA.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Increase in SSI benefit rate.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Dorothy Hopkins, Community Services Program Manager 2, Division of Income Assistance, Mailstop: OB 31C, Telephone: 753-4041.

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

AMENDATORY SECTION (Amending Order 2008, filed 08/19/83)

WAC 388-29-295 STANDARDS OF ASSISTANCE FOR THE SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM. (1) Standards of SSI assistance paid to eligible individuals and couples by SSA are:

	Standard	Federal SSI Benefit	State Supplement
<b>Area I</b>			
Living alone			
Individuals	<del>\$(342.60)</del> \$352.30	<del>304.30)</del> \$314.00	\$ 38.30

	Standard	Federal SSI Benefit	State Supplement
<b>Couples</b>			
Both eligible	<del>((492.80 - 456.40))</del> 508.40	<del>472.00</del> 472.00	36.40
With essential person	<del>((492.80 - 456.80 - 36.00))</del> 508.40	<del>471.00</del> 471.00	<del>37.00</del> 37.40
With ineligible spouse	<del>((492.80 - 304.30 - 188.50))</del> 508.40	<del>314.00</del> 314.00	<del>194.00</del> 194.40
<b>Area II</b>			
Living alone			
Individuals	<del>((322.15 - 304.30))</del> 331.85	<del>314.00</del> 314.00	17.85
<b>Couples</b>			
Both eligible	<del>((462.85 - 456.40))</del> 478.45	<del>472.00</del> 472.00	6.45
With essential person	<del>((462.85 - 456.80 - 6.05))</del> 478.45	<del>471.00</del> 471.00	<del>7.45</del> 7.45
With ineligible spouse	<del>((462.85 - 304.30 - 158.55))</del> 478.45	<del>314.00</del> 314.00	<del>164.45</del> 164.45
Shared Living			
Individuals	<del>((215.55 - 202.87))</del> 222.02	<del>209.34</del> 209.34	12.68
<b>Couples</b>			
Both eligible	<del>((320.17 - 304.27))</del> 330.57	<del>314.67</del> 314.67	15.90
With essential person	<del>((320.17 - 304.54 - 15.63))</del> 330.57	<del>314.00</del> 314.00	<del>16.57</del> 16.57
With ineligible spouse	<del>((320.17 - 202.87 - 117.30))</del> 330.57	<del>209.34</del> 209.34	<del>121.23</del> 121.23

(2) These standards are effective ((July 1, 1983)) January 1, 1984.

**WSR 84-06-028**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed February 29, 1984]

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 loss, theft, or destruction of warrant payable to recipient, amending WAC 388-33-576;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

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

The specific statute these rules are intended to implement is RCW 43.08.064.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

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 March 28, 1984. The meeting site is in a location which is barrier free.

Dated: February 28, 1984

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 388-33-576.

Purpose of the Rule Change: To comply with consent order in Lawrence vs. Gibbs.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Replacement of all subject warrants by the CSO, if reported within 60 days of the occurrence. Explicit time-frames for replacement. Procedures for repeat instances of loss, theft, destruction and nonreceipt.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule Change: Dorothy Hopkins, Community Services Program Manager 2, Division of Income Assistance, Mailstop: OB 31C, Telephone: 3-4041.

The Person or Organization (if Other than DSHS) who Proposed These Rules: Evergreen Legal Services.

These rules are necessary as a result of state court decision, Lawrence et al v. Gibbs, Class Action No. 83-2-208-4, Thurston County Superior Court.

### AMENDATORY SECTION (Amending Order 1637, filed 4/15/81)

WAC 388-33-576 LOSS, THEFT, OR DESTRUCTION OF WARRANT PAYABLE TO RECIPIENT. (1) The legal authority for issuing a duplicate warrant is found in RCW 43.08.064 and 43.08.066.

(2) A recipient payee reporting to the CSO ~~((that))~~ he or she has not received his or her warrant or ~~((that))~~ his or her unendorsed warrant has been lost, stolen, or destroyed is given full consideration. The CSO shall ~~((have))~~ require the recipient payee to complete an affidavit or affidavits attesting to the reported facts.

(3) The CSO shall secure all facts surrounding the nonreceipt or loss reported in subsection (2) of this section, ~~((assess the reported facts and make a judgment as to the validity of the report;))~~ determine a course of appropriate action, ~~((and))~~ inform the recipient, and record the details of the report and the decision in the financial record.

(4) ~~((In cases where the facts surrounding the nonreceipt or loss are clear and the CSO is satisfied a loss has occurred a replacement warrant shall be issued))~~ After a "prompt report" of the loss, theft, destruction, or nondelivery of an unendorsed warrant, the CSO shall "promptly replace" the warrant.

(5) ~~((In cases where the facts surrounding the nonreceipt or loss are not clear and question remains as to the validity of the nonreceipt or loss, a request for replacement is made directly to the disbursements section. Replacement will be made only after further investigation is completed and validity of the nonreceipt or loss is verified))~~ "Prompt report" of loss, theft, destruction, or nondelivery of a warrant shall

constitute completion and submittal of appropriate written forms within sixty days of the date the warrant was due the recipient.

(6) ~~((A report which indicates a warrant is lost in the mail system will be held in abeyance for ten working days from the mailing date of the warrant to allow the warrant to be delivered or returned to the CSO. If the recipient has an emergent situation, the ten day period may be waived by the CSO administrator))~~ "Prompt replacement" of a lost, stolen, nondelivered, or destroyed warrant shall be authorization of replacement on or before the tenth of the month in which the warrant was due or within five working days of the prompt report of loss, theft, nondelivery, or destruction, whichever is later.

(7) Replacement must be requested directly from disbursements when a loss or nonreceipt is reported to the CSO sixty days or more after the mailing date of the warrant; and, the department may inquire into the circumstances of the loss or nondelivery prior to authorization of a replacement warrant. In the event such inquiry results in a determination not to replace the reported warrant, the recipient shall be sent written notification which notice shall include a statement of the determination, the reason or reasons for the decision, and a statement of the recipient's right to request a fair hearing appealing the decision.

(8) An unendorsed warrant which is lost, stolen, or destroyed shall be replaced in full. Restrictively or specially endorsed warrants shall be deemed to be unendorsed warrants for the purposes of this subsection. If a warrant which had been reported as lost, stolen, destroyed, or nondelivered is found, delivered, or restored to the recipient prior to the issuance of a replacement, the department is not required to issue a duplicate warrant.

(9) ~~((An endorsed warrant which is lost, stolen or destroyed shall be considered under the rules in WAC 388-33-577 for lost, stolen or destroyed proceeds from the warrant))~~ When a recipient reports nondelivery of a public assistance warrant within six months of a prior report of nondelivery, the department shall promptly replace, verify the address, and:

(a) If there has been a change of address since the previous report or change of circumstances to better ensure receipt of public assistance warrants (e.g., a locked mailbox, post office box), the department shall continue to send warrants to the recipient's address;

(b) If there is no change in address or assurance of delivery, public assistance (including the replacement warrant) shall be redirected to the local office for pickup by the recipient for a period of six months, provided that this redirection may be waived if it is determined there is hardship or other good cause.

(10) When a recipient reports loss, theft, or destruction of an unendorsed, public assistance warrant within six months of a prior report of loss, theft, or destruction, or when a recipient who has picked up his or her public assistance warrant at the community service office pursuant to the redirect procedure in subsection (9)(b) of this section, then promptly reports such unendorsed warrant as lost, stolen, or destroyed, the community service office shall promptly replace the warrant but have the right to inquire into the circumstances and the ability of the recipient to manage public assistance funds.

(11) The state and ~~((economic and social))~~ community service offices shall take appropriate action to protect the state from loss if the original unendorsed warrant is redeemed by the state treasurer.

### WSR 84-06-029

#### ADOPTED RULES

#### DEPARTMENT OF

#### SOCIAL AND HEALTH SERVICES

#### (Public Assistance)

[Order 2080—Filed February 29, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to workfare, amending WAC 388-54-676.

This action is taken pursuant to Notice No. WSR 84-03-012 filed with the code reviser on January 6, 1984. 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 February 29, 1984.

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

AMENDATORY SECTION (Amending Order 2040, filed 10/19/83)

WAC 388-54-676 WORKFARE. (1) All individuals required to register for work under WAC (~~388-54-677~~) 388-54-675 shall be required to register for workfare if residing in a designated workfare project area. Workfare registration referrals shall be extended to include:

- (a) Households exempt from work registration because they are receiving unemployment compensation;
- (b) Caretaker of a child over six; and
- (c) ~~((A person working))~~ Household members subject to and participating in the WIN program less than twenty hours per week.

(2) The hours of mandatory workfare participation shall be determined by dividing the food stamp allotment by the federal or state minimum wage, whichever is higher.

(a) The participant shall not be required to work more than thirty hours a week; however, the participant may elect to work in excess of thirty hours per week provided the weekly average for the month does not exceed thirty hours.

(b) Participants working part time shall not be required to participate in workfare and employment more than a combined total of thirty hours per week.

(c) Participants shall not be required to work more than eight hours per day. The participant may voluntarily work more than eight hours a day.

(3) The workfare site shall be considered suitable unless the household can demonstrate or the department becomes aware that:

(a) The participant is required to join, resign from, or refrain from joining any legitimate labor organization;

(b) The work offered is at a site subject to a strike or lockout;

(c) The degree of risk to health and safety is unreasonable;

(d) The participant is physically or mentally unfit to perform the employment, as documented by medical evidence or by reliable information from other sources;

(e) The distance from the participant's home to the place of employment is more than a two-hour round trip commute not including transporting a child to and from a child care facility; or

(f) The working hours or nature of the work interferes with the participant's religious observances, conviction, or beliefs.

(4) In determining if a household has good cause for refusal or failure to cooperate, the following criteria shall apply:

(a) Circumstances beyond a household member's control, such as, but not limited to:

(i) Illness;

(ii) The illness or incapacitation of another household member requiring the presence of the workfare participant;

(iii) A household emergency; or

(iv) The lack of transportation when transportation is not provided by the department.

(b) Necessity for a parent or other responsible household member to care for a child between the age of six and twelve because adequate child care is not otherwise available;

(c) Becoming exempt from the workfare eligibility requirements; or

(d) Household moving out of the area of the workfare project.

(5) If the department finds a household member refuses or fails to comply with workfare requirements without good cause, the household shall be ineligible for participation until the member completes the outstanding workfare obligation or serves the sanction period. The sanction period shall be two months for every month of refusal or failure to participate.

(a) When a household is sanctioned for refusal or failure to comply, none of the household shall be eligible to participate in the food stamp program during the sanction.

(b) If a sanctioned household member joins another food stamp household, that household's eligibility and benefit level shall be determined as follows:

(i) The income and resources of the household member or members disqualified for noncompliance with workfare shall count in their entirety, and the entire household's allowable earned income, standard, medical, dependent care, and excess shelter deductions shall apply to the remaining household members.

(ii) An individual disqualified for noncompliance with workfare shall not be included when determining the household's size for the purpose of assigning a benefit level to the household or of comparing the household's monthly income with income eligibility standards. No household's coupon allotment shall be increased as a result of the disqualification of one or more household member or members for workfare noncompliance.

(6) Eligibility may be re-established during a disqualification period if the household reapplies and is determined eligible, and the member failing to comply or any other eligible workfare member satisfies all outstanding workfare obligations. Eligibility for participation will resume the day the outstanding workfare obligation is completed.

(7) Child care, transportation expenses, and other work-related costs may be provided by DSHS.



**WSR 84-06-030**  
**ADOPTED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2081—Filed February 29, 1984]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to licensing requirements for child care agencies, amending chapter 388-73 WAC.

This action is taken pursuant to Notice No. WSR 84-02-005 filed with the code reviser on December 23, 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 74.15.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 29, 1984.

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

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

WAC 388-73-012 DEFINITIONS. (1) Those terms defined in chapter 74.15 RCW shall have the same meanings when used in this chapter except as otherwise provided herein.

(2) "A developmentally disabled adult" is an individual eighteen years of age or over (~~(who suffers)~~) suffering from a mental deficiency (~~(which renders)~~) rendering him or her incapable of assuming those responsibilities expected of the socially adequate person, such as self-direction, self-support, and social participation.

(3) An "adult in need of protection" is an individual age eighteen or over (~~(who because of age, frailty, physical disability, mental confusion or disturbance, requires)~~) requiring a degree of supervision, personal, and social care because of age, frailty, physical disability, mental confusion, or disturbance.

(4) "Premises" means the buildings (~~(in which)~~) wherein the facility is located and the adjoining grounds over which the operator of the facility has direct control.

(5) "Full-time care provider" or "full-time care facility" means a family home for adults, foster family home for children or expectant mothers, group care facility, maternity home, crisis residential center, and juvenile detention facility.

(6) "School-age child" means a child six years of age or older or otherwise eligible for admission to the first grade of a public school.

(7) "~~((Sponsor(s)))~~ Sponsor or sponsors" means ~~((person(s)))~~ person or persons providing, or intending

to provide, family home care to developmentally disabled adults or adults in need of protection.

(8) "Capacity" means the maximum number of persons (~~(who may be)~~) under care at a given moment in time.

(9) "Infant" means a child under one year of age.

(10) "Drop-in care" means unscheduled day care on a one-time only or irregular basis.

(11) "Child," "youth," and "juvenile" mean any individual (~~(who is)~~) under the chronological age of eighteen years.

(12) "Semisecure facility" means any facility, including but not limited to crisis residential centers or specialized foster homes, operated in a manner to reasonably assure (~~(that)~~) youth placed there will not run away: PROVIDED, That such facility shall not be a secure institution or facility as defined by the federal Juvenile Justice and Prevention Act of 1974 and regulations and clarifying instructions promulgated thereunder. A child shall not be locked in the facility nor any part thereof nor otherwise controlled by the use of physical restraints except as provided in WAC 388-73-048.

(13) "Secure detention facility" and "juvenile detention facility" mean a facility, primarily for the care of juvenile offenders, (~~(which is)~~) operated so as to ensure (~~(that)~~) all entrances and exits from the facility are locked, barred, or otherwise controlled so as to prevent escapes.

(14) "A severely and multiply-handicapped child" is a child diagnosed as primarily dependent for most bodily and social functions, except for cardiorespiratory functions. These children shall not include children requiring skilled nursing care as described in WAC 388-88-081.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

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

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

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

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

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

(a) A day care center provides for the care of thirteen or more children. No such center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively

for the children during the hours the center is in operation or is separate from the usual living quarters of the family.

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

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

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

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

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

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

(a) A family home for adults means a home regularly providing care on a twenty-four hour basis for up to four developmentally disabled adults; or up to four adults in need of protection.

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

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

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

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

(c) A foster family home functioning either partially or exclusively as a crisis residential center and has been designated as a crisis residential center by the department.

(7) A "facility for severely and multiply-handicapped children" means a group care facility providing residential care to a group of nonambulatory children whose

severe, disabling, multiple physical, and/or mental handicaps will require intensive personal care, and may require nursing care, physical therapy, or other forms of therapy.

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

WAC 388-73-054 CLIENT RECORDS AND INFORMATION. Records and information concerning persons in care shall be maintained in such a manner as to preserve their confidentiality. For American Indian children, see WAC 388-73-044. Records giving the following information on each person under care shall be maintained at the licensed facility:

(1) Identifying information, including name, birth-date, and, for full-time care providers, dates of admission, absences and discharge; for day care providers, daily attendance.

(2) Names, addresses, and telephone numbers, if any (home and business), of parents and/or other persons to be contacted in case of emergency.

(3) Dates and kinds of illnesses and accidents, medication(;) and treatments prescribed, and time ((they are)) given and by whom, and, except for crisis residential centers and certified juvenile detention facilities, dates and types of immunization, and other pertinent information relating to the person's health.

(4) Written parental consent (or court order) for providing medical care and emergency surgery, except as such care is otherwise authorized by law.

(5) Names, addresses, and telephone numbers of persons ((who are)) authorized to take the person under care out of the facility.

(6) Authorization for acceptance of the person under care. Juvenile detention facilities and crisis residential centers shall record the time and date a placement is made, the names of the person and organization making the placement, and the reasons for the placement.

(7) Records of children severely and multiply handicapped shall also contain:

(a) Information obtained upon admission including identifying and social data, an inventory of personal belongings, medical history, and a report of a physical examination and diagnosis by a physician.

(b) Information about the child's daily care including all plans, treatments, medications, observations, teaching, examinations, physicians' orders, allergic responses, consent authorizations, releases, diagnostic reports, and revisions of assessments.

(c) A summary upon discharge including diagnoses, treatments, and prognosis by the person responsible for the total plan of care; instructions given to the person providing continuing care, and a record of any referrals directed toward continuity of care.

(d) Appropriate information if the child has died including the time and date of death, apparent cause of death, appropriate notification of the physician and relevant others (including the coroner if necessary), and the disposition of the body and personal effects.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-058 EARNINGS, ALLOWANCES, PERSONAL BELONGINGS. Except for crisis residential centers, juvenile detention facilities, and foster family homes, full-time child care providers shall give each child a regular allowance based on his or her age, needs, and ability to handle money. Group care facilities shall account for allowances given and for children's earnings, if any, in a ledger or other appropriate record maintained for this purpose. When a person is discharged, he or she shall be permitted to take his or her personal belongings and all of his or her money, or be fully informed about the transfer of his or her money to another facility.

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

WAC 388-73-072 EDUCATION AND VOCATIONAL INSTRUCTION. (1) Each group care facility, other than a crisis residential center, facility for severely and multiply-handicapped children, or juvenile detention facility, and each maternity service, day treatment program, and child-placing agency shall:

((+)) (a) Provide or arrange for the provision of a suitable educational plan for each person in care ((who has)) not ((completed)) completing high school. Group care agencies shall provide suitable study areas. If instruction is given on the agency's premises, appropriate classrooms separate from the living area shall be provided.

((+)) (b) Provide the department with a written description of its educational program.

((+)) (c) Where an academic program is not appropriate for a particular person in care, the agency shall provide or arrange for a vocational training program either within or outside the agency. Such training shall be geared to helping the person to attain self-sufficiency. If a person has job skills, a training program may not be needed, but assistance in obtaining suitable employment shall be provided when necessary.

(2) Each group care facility serving severely and multiply-handicapped children shall provide or arrange for the provision of an individualized education plan suited to the unique needs of each child in care.

NEW SECTION

WAC 388-73-077 MULTIDISCIPLINARY CARE PLAN FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. For each severely and multiply-handicapped child, there shall be a multidisciplinary plan of care addressing the social service, medical, nutritional, rehabilitative, and educational needs of each child. The plan shall indicate care to be given and goals to be accomplished and which professional service is responsible for each element of care. The care plan shall be reviewed, evaluated, and updated as necessary by all professional personnel involved in the care of the child. Professional personnel shall meet at least annually to re-evaluate each child's current condition, progress,

prognosis, and need for ongoing care and additional services. Quarterly progress reports shall be recorded in the child's record.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

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

(1) Hallways, kitchens, living rooms, dining rooms, and unfinished basements shall not be used as bedrooms. Every bedroom shall be an outside room permitting entrance of natural light. Separate sleeping quarters shall be furnished for each sex for children over six years of age.

Multiple occupancy bedrooms shall provide not less than fifty square feet per occupant of floor area exclusive of closets. There shall be not less than thirty inches laterally between beds. In group-care facilities and maternity homes, single occupancy bedrooms shall provide at least eighty square feet of floor space. Each person in care shall have a bed of his or her own. There shall be no more than four persons to a bedroom except in facilities licensed for more prior to the adoption of these rules.

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

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

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

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

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

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

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

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

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

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

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

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

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

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

health problems, and for children, an immunization history.

(2) If a child has not been under regular medical supervision or has not had a physical examination by a physician, physician's assistant, or certified registered nurse (nurse practitioner) within one year prior to admission, arrangements shall be made for an examination within thirty days. Each severely and multiply-handicapped child shall be under regular medical supervision of a physician. Each child shall be seen by a physician regularly, according to the physician's plan of care as required in WAC 388-73-077.

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

(4) Prior to admission or within forty-five calendar days of the child's first day of attendance, each child shall present proof of full immunization for diphtheria, tetanus, pertussis (whooping cough), poliomyelitis, measles (rubeola), rubella (German measles) unless exempted by RCW 28A.31.108, and mumps as set forth in WAC 248-100-164(2). (Note: Appropriate forms and information may be obtained at the local health department. For the requirements applying to day care centers, see WAC 248-100-164.)

(5) Children not having received all immunizations as set forth in WAC 248-100-164(2) may be accepted on a conditional basis if immunizations are initiated and are completed as rapidly as is medically indicated. Exceptions to the immunization requirement shall be made in the case of a parent or guardian expressing religious, philosophical, or personal objections by signing a statement to this effect; or there is a physician's statement that a valid medical reason exists to contraindicate immunization.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-142 ((TUBERCULOSIS)) INFECTION CONTROL, COMMUNICABLE DISEASE.

(1) Each licensee, employee, adult volunteer, and other adult persons having regular contact with persons in care shall have a tuberculin skin test, by the Mantoux method, upon employment or licensing unless medically contraindicated.

(a) Persons whose TB skin test is positive (~~((+0 mm))~~ ten millimeters or more induration) shall have a chest x-ray within ninety days following the skin test.

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

(c) An entry test shall not be required of persons whose TB skin test has been documented as negative (less than ~~((+0 mm))~~ ten millimeters) within the last two years nor shall routine periodic retesting or x-ray (biennial or otherwise) be required of such persons.

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

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

(4) Each facility caring for severely and multiply-handicapped children shall have an infection control program supervised by a registered nurse. The program shall include written policies and procedures regarding

the control of infections in the facility. This may include, but is not limited to, the following areas: Isolation, aseptic procedures, reporting of communicable diseases, handwashing and hygiene, toileting and diapering, and laundering.

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

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

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

(3) Facilities licensed to care for seven or more persons shall record all food served. Daily menus, including all snacks required to be served, shall be prepared at least one week in advance, and dated. A schedule of mealtimes shall be established and posted. A menu shall specify a variety of foods to enable a person to consume adequate nutrients. Cycle menus, including snacks, shall provide at least two weeks of variety before repeating. Any substitutions shall be of comparable nutrient value and recorded. The menus shall be kept on file for a minimum of six months for review by the department. For facilities caring for severely and multiply-handicapped children, a general meal pattern including types of food and kinds of meal service shall be posted. A system for recording food and fluid intake of each child shall be approved by a physician and a dietitian (see subsection (8) of this section). Records of food and fluid intake of each child shall be kept in the child's file for at least one month and in the facility for at least six months.

(4) Nutrient concentrates, supplements, and modified diets (therapeutic and allergy diets) shall not be served except with the written instructions of a physician. The licensee shall obtain from the parent, responsible relative, or physician a written diet listing foods the person cannot have. The list, with the person's name, must be posted for staff to follow. For facilities caring for severely and multiply-handicapped children, all modified diets shall be planned, reviewed, and approved by a dietitian (see subsection (8) of this section).

(5) Day care and day treatment - Children in care for five to ten hours shall be served food providing at least

one-third of the 1980 recommended dietary allowances set by the national research council. Children in care for more than ten hours, except children in evening care, shall be offered an additional snack. Children bringing sack meals from home shall be provided additional foods to meet the requirements. Licensees shall consult with parents as to what additional foods should be provided. Menus shall be posted where parents can view them.

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

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

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

(i) Milk or milk products;

(ii) Fruit and/or vegetables;

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

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

(v) Protein foods (animal or vegetable).

(d) The occasional serving of party foods not meeting the requirements is not prohibited.

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

A minimum of three meals in each twenty-four hour period shall be provided ~~((, except when a written request has been made to, and approved in writing by, the department,))~~. Deviation may be made from this minimum when a written request has been made to and approved in writing by the department. The time interval between the evening meal and breakfast shall be not more than fourteen hours. For facilities caring for severely multiply-handicapped children, if a child is incapable of consuming foods in the amounts and variety required to meet the recommended dietary allowances, nutritional supplements ordered by a physician must be provided to meet the 1980 recommended dietary allowances adjusted for age, weight, and height unless medically contraindicated.

(7) In facilities caring for severely and multiply-handicapped children, each child shall be weighed at least monthly and measured in length at least quarterly. Records of these measurements shall be maintained in each child's record.

(8) Facilities caring for severely and multiply-handicapped children shall use the services of a dietitian meeting the 1980 registration requirements of the American dietetic association to comply with WAC 388-73-077, 388-73-144(3) and (4), and 388-73-146(6).

AMENDATORY SECTION (Amending Order 1933, filed 1/5/83)

WAC 388-73-146 CARE OF YOUNGER OR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. This section is applicable only to day care centers (~~and to~~), mini-day care programs, group care facilities, and facilities for severely and multiply-handicapped children.

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

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

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

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

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

(6) (~~Feeding of infants~~) Formula feeding of infants (under one year of age) shall be on a schedule agreed upon by the child's (~~parent(s)~~) parent or parents, guardian, the placement agency, and the licensee. Formula feeding of severely and multiply-handicapped children shall be on a schedule agreed upon by the child's physician and the facility's dietitian (see WAC 388-73-144(8)).

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

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

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

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

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

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

(b) Feedings brought to the child care facility:

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

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

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

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

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

(9) Nursing consultation - Except for facilities caring for severely and multiply-handicapped children requiring a registered nurse on staff or under contract, facilities caring for five or more infants shall arrange for regular consultation to include at least one monthly on-site visit by a registered nurse trained or experienced in the care of young children. In collaboration with the

agency's administrative staff, the nurse shall be responsible for advising the agency on the operation of the infant care program and on the implementation of the child health program. The nurse's name and telephone number shall be posted or otherwise available in the agency.

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

WAC 388-73-602 FUNCTION OF GROUP CARE FACILITY. A group care facility normally serves children (~~(who are)~~) six years of age and older who:

(1) Need foster care but (~~(who)~~) cannot ordinarily adjust to the close, personal relationships normally required by a foster family home;

(2) Need emergency placement pending more permanent planning or during temporary disruption of a current placement;

(3) Are emotionally disturbed or physically or mentally handicapped, or whose behavior is unacceptable to most foster family home parents: PROVIDED, That the agency, through its own program or by the marshalling of appropriate community resources, can provide the necessary specialized services (~~(that may be)~~) required by the group which the facility serves (except children cared for in facilities for severely and multiply-handicapped children will most frequently be younger than six years of age).

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

WAC 388-73-606 REQUIRED POSITIONS. An agency shall provide staff in accordance with the following requirements:

(1) A director (~~(who shall be)~~) responsible for the general management and administration of the agency's program. This person shall be at least twenty-one years of age and possess ability to understand the role of the agency in meeting the needs of children and to work with representatives of appropriate agencies. This person shall have had a bachelor's degree in a social science or closely allied field or shall have had a minimum of two years' experience working in a group care facility or as a foster parent with a letter of recommendation from the licensing agency and/or supervising agency.

(2) Child care staff whose primary duties are the care, supervision, and guidance of children. Such staff shall be at least eighteen years of age. Staff under twenty-one years of age shall be under the immediate supervision of staff (~~(who are)~~) at least twenty-one years of age.

In addition, in crisis residential centers, no less than fifty percent of the child care staff shall have completed at least two years of college and one year of working with children in a group setting. Experience may be substituted for education on a year-for-year basis. A (~~(BA)~~) bachelor of arts degree in behavioral or social science may be substituted for experience. The remaining child care staff shall have at least a high school diploma (or equivalent) and one year of successful

experience as a foster family parent for three or more children or working with children in a group setting. Two years of college may be substituted for the required experience.

(a) Except for crisis residential centers, facilities for severely and multiply-handicapped children, and juvenile detention facilities, during the waking hours of the children there shall be at least one child care staff member on duty for every eight children or major fraction (five or more) of such number of children on the premises.

For facilities serving severely and multiply-handicapped children, there shall be a minimum of one child care staff for every four and one-half children determined on a twenty-four hour basis.

For juvenile detention facilities, there shall be a minimum of one child care staff on duty for every ten children in care during the waking hours of the children.

For regional crisis residential centers, there shall be a minimum of one child care staff on duty for every two children in care during the waking hours of the children, and a minimum of three such staff for every eight children during the sleeping hours.

For other group crisis residential centers, during the waking hours, there shall be a minimum of one child care staff for every three children in temporary protective care without duties related to the children in full-time care. During the sleeping hours, there shall be one such staff member for every five such children. If the two classes of children are combined into one group, the staff ratio applicable to the children in temporary care shall prevail.

For both types of crisis residential centers, on duty staff does not include staff (~~(who are asleep)~~) sleeping on the premises.

The director and support and maintenance staff may serve as child care staff when not involved in other duties, provided the required number of child care staff is maintained.

(b) Except for crisis residential centers, whenever more than eight children are on the premises at least two adults (including at least one child care staff) shall be on duty. During nighttime hours, "on duty" staff may include staff (~~(who sleep)~~) sleeping in the group care facility and (~~(who are)~~) available to the children. During sleeping hours, there shall be at least one adult in proximity to the children.

(c) Agencies caring for very young children or for children presenting emotional disturbance, physical handicaps, or mental retardation shall provide such additional child care staff and professional services for the children as the department requires.

(d) Whenever only one child care staff is on duty, there shall be a second person on call.

(e) Facilities caring for severely and multiply-handicapped children shall have a registered nurse in employment or under contract in charge of nursing care. Sufficient licensed nursing staff shall be provided to meet the nursing care needs of the children.

(3) Relief staff to enable all staff to have the equivalent of two days off a week.

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

WAC 388-73-610 REQUIRED ROOMS, AREAS, AND EQUIPMENT—GROUP CARE FACILITIES. There shall be rooms and areas of sufficient size and properly equipped to accommodate the number of children served. The following rooms or areas shall be provided:

(1) Living room. There shall be at least one comfortably furnished living room. (This subsection is not applicable to juvenile detention facilities.)

(2) Dining area. An attractive dining area shall be provided of sufficient capacity to accommodate the group comfortably. (This subsection is not applicable to juvenile detention facilities.)

(3) Staff quarters. Rooms for staff on night supervision shall be separate from but in proximity to the sleeping rooms of the children. (This subsection is not applicable to juvenile detention facilities.)

(4) Recreation area. When there are more than twelve occupants, at least one separate indoor area shall be provided, sufficient in size and location, for recreational and informal education activities.

(5) Offices. There shall be a room or area that can be used as an administrative office. Suitable offices shall be provided for social service staff. In facilities caring for fewer than thirteen children, such offices may be combined with the administrative office.

(6) Visiting area. There shall be space provided where privacy can be achieved for the use of visitors.

NEW SECTION

WAC 388-73-900 FACILITIES FOR SEVERELY AND MULTIPLY-HANDICAPPED CHILDREN. The rules in WAC 388-73-900 through 388-73-904 apply exclusively to facilities for severely and multiply-handicapped children.

NEW SECTION

WAC 388-73-902 SERVICES PROVIDED. In addition to educational services provided pursuant to WAC 388-73-072 and nursing services provided pursuant to WAC 388-73-606(2)(e), the facility shall also provide or arrange for additional services, as required by the individual needs of the children in care. The services to be available include:

(1) Physicians, including surgeons, general and family practitioners, and specialists in the child's particular diagnosis on either a referral, consultative, or ongoing treatment basis;

(2) Dental care of both routine and emergent nature;

(3) Communication disorder therapy;

(4) Physical and occupational habilitation and rehabilitation therapy and devices;

(5) Recreation therapy;

(6) Psychological testing; and

(7) Transportation.

NEW SECTION

WAC 388-73-904 THERAPY ROOM. Each facility for severely and multiply-handicapped children shall have a room for the delivery of physical and occupational therapy and storage of necessary devices or provide for such care outside of the facility.

**WSR 84-06-031**

**ADOPTED RULES**

**DEPARTMENT OF**

**LABOR AND INDUSTRIES**

[Order 83-38—Filed March 1, 1984—Eff. April 1, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at General Administration Building, Olympia, Washington, the annexed rules relating to this order will amend WAC 296-15-02601(3), group self-insurers admission of new members, termination of individual members, of chapter 296-15 WAC, rules and regulations for self-insured employers. It will modify reserve requirements for prospective group self-insurance participants. It could reduce the required initial payment and insure steady progress toward satisfaction of the year-end reserve requirements for the group. The order also repeals WAC 296-15-21001 of chapter 296-15 WAC; Form SIF #3, self-insured employer's notice of acceptance of claim, because that form is no longer used.

This action is taken pursuant to Notice No. WSR 84-02-078 filed with the code reviser on January 4, 1984. These rules shall take effect at a later date, such date being April 1, 1984.

This rule is promulgated pursuant to RCW 51.04.020(1) which directs that the director, Department of Labor and Industries, has authority to implement the provisions of Title 51 RCW, Industrial Insurance laws.

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 March 1, 1984.

By Sam Kinville  
Director

AMENDATORY SECTION (Amending Order 83-22, filed 12/1/83)

WAC 296-15-02601 GROUP SELF-INSURERS ADMISSION OF NEW MEMBERS, TERMINATION OF INDIVIDUAL MEMBERS. (1) After the inception date of the trust fund, prospective new members of the trust fund shall submit an application for membership to the board of trustees, or its administrator, on a form provided by the department. The trustees or administrator may approve the application for membership pursuant to the bylaws of the group self-insurers' trust fund. The application for membership shall then be filed with the department. Membership shall



take effect the first day of the calendar quarter after reporting the approval to the department.

(2) Individual members may elect to terminate their participation in a group self-insurer's program or be subject to cancellation by the group trust fund pursuant to the bylaws of the group. Such termination or cancellation shall be effective at the end of the calendar quarter during which it was reported to the department.

~~((3) Each member, upon initial admission to the group, shall pay to the trust not less than twenty-five percent of its share of the current annual standard premium in accordance with WAC 296-15-02605(1). In addition to all other statutory and regulatory requirements of Title 51 RCW and WAC sections pertaining to self-insurance, group self-insurance must also meet and follow the requirements of this rule.))~~

(3) Contributions to the trust fund for purposes of meeting the requirements of WAC 296-15-02605 shall be paid under a schedule of dates and amounts specified by the group's board of trustees, subject to the following requirement: At no time during any coverage period shall the amount collected by the trust fund to apply to costs and/or reserves for that coverage period be less than the result obtained by multiplying the fraction of the coverage period which has elapsed by the total contribution expected to be necessary to satisfy requirements of WAC 296-15-02605 for the entire coverage period.

#### REPEALER

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

(1) WAC 296-15-21001 FORM-SIF #3-SELF-INSURED EMPLOYER'S NOTICE OF ACCEPTANCE OF CLAIM.

**WSR 84-06-032**  
**PROPOSED RULES**  
**URBAN ARTERIAL BOARD**  
[Filed March 1, 1984]

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

- Amd WAC 479-13-010 Six-year construction programs for urban areas.
- Amd WAC 479-13-060 Accelerated development of urban arterial projects.

The amendment to WAC 479-13-010 will identify to the agency the criteria they must use to establish their deficiencies when selecting projects for the supplemental section of the six-year construction program. It will also serve notice that the improvement should be limited to correcting the identified deficiency. The amendment to WAC 479-13-060 provides the same improvement scope limitation to the agency at the time of preparing a formal prospectus for funding application. It also provides enough flexibility so that if there is a concern over limitations, that the appeal process is allowed;

that the agency will at 9:30 a.m., Friday, April 20, 1984, in the Transportation Building Board Room, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is chapter 47.26 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 20, 1984.

Dated: March 1, 1984  
By: Robert A. Plaquet  
Executive Secretary

#### STATEMENT OF PURPOSE

Title: Amending WAC 479-13-010 Six-year construction program for urban areas.

Result of Federal Law or Federal or State Court Action: Not applicable.

Statutory Authority: Chapter 47.26 RCW.

Summary of Rule: The amendment to WAC 479-13-010 will identify to the agency the criteria they must use to establish their deficiencies when selecting projects for the 1984 supplemental section of the six-year construction program. It will also serve notice that the improvement should be limited to correcting the identified deficiency.

Reason for Rule: To provide local agencies direction when they prepare their six-year programs.

Title: Amending WAC 479-13-060 Accelerated development of urban arterial projects.

Result of Federal Law or Federal or State Court Action: Not applicable.

Statutory Authority: Chapter 47.26 RCW.

Summary of Rule: The amendment to WAC 479-13-060 provides the same improvement scope limitation to the agency at the time of preparing a formal prospectus for funding application. It also provides enough flexibility so that if there is a concern over limitations, that the appeal process is allowed.

Reason for Rule: To provide local agencies direction when they prepare their six-year programs.

For Further Information: Robert A. Plaquet, Executive Secretary, 753-7199.

Proponents of Rule: The Urban Arterial Board is the proponent of the rule.

Comments: None.

#### AMENDATORY SECTION (Amending Order 462, filed 9/16/77)

WAC 479-13-010 SIX-YEAR CONSTRUCTION PROGRAMS FOR URBAN AREAS. The six-year construction programs of urban area cities and counties required, respectively, by RCW 35-.77.010 and 36.81.121, shall be divided into two sections:

(1) The basic six-year construction program for the following six years based upon estimated revenues other than proposals for urban arterial trust funds for new projects.

(2) A separate section of the six-year construction program setting forth proposals, if any, for urban arterial trust funds for new projects to begin in the following biennial period.

The separate section of the six-year construction program setting forth proposed new projects utilizing urban arterial trust funds shall be considered as supplemental to the basic six-year construction program and shall not contain duplicate projects: PROVIDED, That the same

project may appear in both the basic and supplemental six-year construction programs if:

(1) The local agency intends to construct the project with other funds if urban arterial trust funds are not approved.

(2) The total dollar amount of the basic six-year construction program approximates estimated revenues available for construction for the following six-year period.

Upon urban arterial board approval of any new project for financial assistance from the urban arterial trust account, such project shall be amended into the basic six-year construction program.

The separate portion of the six-year construction program, setting forth new project proposals for urban arterial trust account funding, shall be listed in order of their priority in the following manner:

(1) Federal urban area cities and counties shall divide arterials by functional class and list in order of their priority as provided for by RCW 47.26.220.

(2) Nonfederal urban area cities shall list all proposals in order of their priority.

The local agency shall evaluate its arterials by utilizing the criteria outlined in RCW 47.26.220 which covers the following:

(1) The structural ability to carry loads.

(2) Capacity to move traffic.

(3) Alignment and related geometrics.

(4) Accident experience.

(5) Fatal accident experience.

The urban arterial board will provide the agency with a listing of arterial deficiencies based on the information contained in the long-range plan as last updated by the agency. This information can be used to fulfill the requirement stipulated in RCW 47.26.220.

The requested urban arterial trust funds to improve the project shall be limited to correcting the deficiencies found on the section.

The following information shall be provided for each new project proposal for urban arterial trust account funding:

(1) Local name of arterial.

(2) Arterial number.

(3) Local government's priority number. (Federal urban area cities and counties within functional class)

(4) Length in miles.

(5) Description of proposed work.

(6) Estimate of total cost of project.

(7) Status of urban arterial trust funds.

(proposed or approved)

(8) Total requested urban arterial trust funds for the project.

(9) Inventory data regarding existing geometric, structural, accident and traffic conditions.

(10) Written acknowledgement, from each adjacent city, county and department of highway district office, that it has had an opportunity to evaluate, prior to the public hearing thereon, the preparing agency's proposed six-year construction program requesting urban arterial trust funds for proposed new projects if such proposed new projects affect the specified unit of government. Such acknowledgement shall be for the purpose of proposing related arterial improvement projects, in order to contribute to the goal of an integrated and coordinated arterial and highway system and shall not indicate approval or disapproval of the preparing agency's six-year construction program. The preparing agency may provide evidence of delivery of a copy of its proposed six-year construction program by certified mail to each adjacent agency if written acknowledgement of evaluation by such adjacent agency cannot be obtained within fifteen days from the date of mailing.

Inventory data for each proposed project shall be prepared under the supervision of a registered engineer in the state of Washington.

A copy of the basic six-year construction program shall be submitted to the urban arterial board along with a copy of the resolution of the city or county adopting such program. The separate section of the six-year construction program, setting forth new project proposals for urban arterial trust account funding, shall be submitted to the urban arterial board on forms provided by the board and shall be accompanied by a copy of the resolution of the city or county adopting the separate section of the six-year construction program: PROVIDED, That if the city or county does not desire to propose new projects for urban arterial trust fund assistance, the only submission to the urban arterial board shall be a written statement to that effect.

**AMENDATORY SECTION** (Amending Order 79-01, Resolution 596, 597, 598, filed 8/1/79)

WAC 479-13-060 ACCELERATED DEVELOPMENT URBAN ARTERIAL PROJECTS. Preliminary proposals and related

construction projects initially authorized by the urban arterial board after the close of the 1977-1979 biennium for financial assistance from the urban arterial trust account shall be selected for authorization on the basis of the administering agency's projected ability to place the proposed project under contract for construction within eighteen months from the date of initial authorization. The scope of the preliminary or construction prospectus shall be limited to the type of improvement that will correct the deficiency for which the project was selected. The board shall evaluate the project's scope and may require additional justification if, in the board's opinion, the scope exceeds that amount necessary to improve the specific deficiencies. The following factors relative to each project, in addition to other factors required by law, shall be evaluated:

(1) Each project having an estimated total project cost of less than seven hundred fifty thousand dollars shall be evaluated on the basis of the following factors and any problems noted shall be resolved prior to project authorization:

(a) Availability and source of matching funds;

(b) Engineering capacity. Adequate in-house engineering capacity shall be available to permit each project authorized to be engineered without retarding development of other public works projects or the administering agency shall indicate that consulting engineering services will be obtained without delay;

(c) Right of way. Right of way acquisition required for each project authorized shall be minor in nature, or the administering agency shall provide a definitive plan for acquisition in order that all right of way or right of prior entry may be obtained prior to placing the project under contract for construction;

(d) Interrelationships with other agencies, railroads or utilities. Any interrelationships that, on the basis of previous experience may be expected to cause project delays, shall be evaluated and a definitive plan, including concurrence from the involved agency, railroad or utility, shall be available;

(e) Community reaction. Any community opposition, whether known or expected to materialize, shall be evaluated for its projected effect upon project development;

(f) Other factors. Other factors known to the agency that will affect the agency's ability to place the project under contract for construction within eighteen months from the date of project authorization.

(2) No urban arterial project which exceeds seven hundred fifty thousand dollars in total estimated project cost shall be considered for authorization by the board unless specifically requested by the administering local agency. The administering agency shall address itself to the same factors that are specified in subsection (1) of this section and which demonstrate that the project can be placed under contract for construction within eighteen months from the date of project authorization. The urban arterial board shall, in each case in which there is doubt concerning the ability of the local agency to place the project under contract for construction within eighteen months from the date of authorization, require preparation and submission of a detailed CPM or PERT time schedule reflecting scheduled development of the project.

The urban arterial board shall review the written reply concerning each proposed project and the verbal representations of an official of the administering agency, and shall not authorize any project if one or more of the factors listed above are not resolved so that the project cannot, in the urban arterial board's judgment, be placed under contract for construction within eighteen months from the date of authorization. Any project proposed to be developed in stages shall be capable of having at least seventy-five percent of the project, when evaluated in dollar terms, under contract for construction within the eighteen month period.

Each city or county administering an accelerated development project shall provide project development data on a monthly basis to the urban arterial board in such form as is requested to permit a continuing review of project progress.

Any preliminary proposal or construction project that is authorized for development as an accelerated development project shall be subject to immediate cancellation at any time, if actual development in the judgment of the urban arterial board, falls behind the rate of development required to permit the project to be placed under contract for construction within eighteen months of the date of authorization.

(3) The project agreement for each preliminary proposal project authorized by the urban arterial board shall include a recognition and agreement on the part of the administering local agency or agencies that urban arterial trust funds provided by chapter 83, Laws of 1967 ex. sess., and section 13, chapter 317, Laws of 1977 ex. sess., chapter

5. Laws of 1979, as now or hereafter amended, have reached a status of total obligation and that:

(a) The full, normal ninety percent matching funds from the urban arterial trust account may not be available for all projects; and

(b) The administering local agency or agencies is/are required to plan and design each project in such a manner as to permit its development in phases with the first phase being a usable improvement as approved by the urban arterial board; and

(i) Able to be developed with available urban arterial trust account and local matching funds; or

(ii) That the administering local agency or agencies agree(s) to pay additional project costs with other funds and that such funds will be available for the construction of the project being developed with the available financial assistance from the urban arterial trust account.

(4) Prospectuses for construction projects that relate to preliminary proposals initially authorized by the urban arterial board for financial assistance from the urban arterial trust account shall be required to be accompanied by the following information demonstrating the readiness of the construction project to be placed under contract for construction.

(a) A certification from the legislative body or other designated responsible official, of the administering agency or agencies, that an environmental impact analysis has been conducted and an environmental impact statement or negative declaration of environmental impact, as appropriate, has been circulated pursuant to chapter 43.21C RCW, and that the results have been utilized in arriving at the decisions reflected in the prospectus for the construction project.

(b) A certification from the legislative body that the project is completely designed and ready to be advertised for bids for construction except as provided below:

(i) If the project is not completely designed and ready to be advertised, the legislative body may submit a time schedule detailing all significant items of work remaining to be accomplished, and an explanation of the feasibility of accomplishing such items of work in sufficient time to permit the construction project to be placed under contract for construction within eighteen months from the date of urban arterial board authorization of financial assistance from the urban arterial trust account for the related preliminary proposal.

(ii) If any right of way remains to be acquired, a statement of the extent of the time period to be allowed for right of way negotiations and a firm date, not more than fifteen months from the date of urban arterial board authorization of the preliminary proposal, by which condemnation authorization will be considered and approved by the legislative body. If more than fifteen months have elapsed since date of authorization of the related preliminary proposal by the urban arterial board, a condemnation ordinance must have been approved and passed by the legislative body of jurisdiction prior to submission of the prospectus for the construction project.

(c) The date when the project will be advertised for bids for construction.

(d) Each construction project prospectus shall identify changes between the scope of work of the proposed construction project and the construction work contemplated in the current six-year construction program and the preliminary project prospectus and provide an explanation and justification for such changes.

(e) The amount of urban arterial trust funds authorized in total for the preliminary proposal and the construction project shall normally be the amount requested for the total project in the current six-year construction program.

(f) Requests for authorization of urban arterial trust funds for construction projects in:

(i) Federal urban areas shall be considered in the sequence in which the construction projects within each functional class of arterial within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same functional class of arterial within the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within functional class of arterial within region in which the related preliminary proposals were approved.

(ii) Rural incorporated cities shall be considered in the sequence in which the construction projects within each region are, as defined by urban arterial board rules, ready to be placed under contract for construction. In the event that two or more projects in the same region are proposed for construction project funding at the same urban arterial board meeting, the request for urban arterial trust funds for the construction projects shall be considered in the priority sequence within region in which the related preliminary proposals were approved.

A specific, maximum amount of urban arterial trust funds for each construction project shall be authorized by the urban arterial board and shall be added to any remaining authorization of urban arterial trust funds for the preliminary proposal to establish the total authorized amount of urban arterial trust funds for each total project.

(g) The ten percent, not to exceed fifty thousand dollars, increase in urban arterial trust funds authorized to be approved by the chairman by WAC 479-20-036 may be approved, for those projects for which financial assistance from the urban arterial trust account is provided in two phases, only after the construction proposal has been approved by the urban arterial board.

### WSR 84-06-033

#### PROPOSED RULES

#### COLUMBIA BASIN COLLEGE

[Filed March 1, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Columbia Basin College intends to adopt, amend, or repeal rules concerning State Environmental Policy Act regulations.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 5, 1984.

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

The specific statute these rules are intended to implement is RCW 43.21C.120 and WAC 197-10-800.

This notice is connected to and continues the matter in Notice No. WSR 83-24-052 filed with the code reviser's office on December 5, 1983.

Dated: February 28, 1984

By: F. E. Esvelt

Secretary, Board of Trustees

Chapter 132S-285 WAC

#### SEPA (STATE ENVIRONMENTAL POLICY ACT) POLICY

WAC 132S-285-010 Policy statement

WAC 132S-285-015 Responsible official for carry out policy.

#### NEW SECTION

WAC 132S-285-010 POLICY STATEMENT. It shall be the policy of Community College District No. 19 that capital projects proposed and developed by the district shall comply with the provisions of Chapter 43-21 RCW, the State Environmental Policy Act (SEPA); chapter 197-10 WAC, guidelines for SEPA implementation; and WAC 131-24-030; SEPA implementation rules of the State Board for Community College Education.

#### NEW SECTION

WAC 132S-285-015 RESPONSIBLE OFFICIAL FOR CARRYING OUT POLICY. In compliance with WAC 197-10-820, the district president, or an administrative officer designated by the district president, shall be the "responsible official" for carrying out this policy.

**WSR 84-06-034****ATTORNEY GENERAL OPINION****Cite as: AGO 1984 No. 7**

[February 29, 1984]

**COUNTIES—CITIES AND TOWNS—ROADS AND BRIDGES—APPLICABILITY OF CHAPTER 130, LAWS OF 1983 TO CERTAIN BRIDGE PROJECT**

Because the First Avenue South Bridge in Seattle is a part of the state highway system, and not a county road, RCW 36.83.010 does not authorize King County to form a service district as a financing tool for improvements and/or new construction relating to that specific bridge.

**Requested by:**

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

**WSR 84-06-035****ADOPTED RULES****HIGHER EDUCATION  
PERSONNEL BOARD**

[Order 112—Filed March 2, 1984]

Be it resolved by the Higher Education Personnel Board, acting at Highline Community College, Midway, Washington, that it does adopt the annexed rules relating to definitions (layoff), WAC 251-04-020.

This action is taken pursuant to Notice No. WSR 84-02-067 filed with the code reviser on January 4, 1984. 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 Higher Education Personnel Board as authorized in RCW 28B.16.100.

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

**APPROVED AND ADOPTED February 17, 1984.**

By John A. Spitz  
Director

**AMENDATORY SECTION** (Amending Order 110, filed 12/30/83, effective 2/1/84)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

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

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

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

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

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

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

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

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

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority

to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

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

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

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

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

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

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

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

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution or related board.

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

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

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

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

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

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

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

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic

endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

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

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

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

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

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

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

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

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

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

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

"RESIGNATION" – A voluntary termination of employment.

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

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

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

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

"TEMPORARY APPOINTMENT" –

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

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

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

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

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

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

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

"TRIAL SERVICE" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(((5)))(6).

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

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

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

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

"WRITING" – Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or

paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

**WSR 84-06-036**  
**ADOPTED RULES**  
**DEPARTMENT OF AGRICULTURE**

[Order 1812—Filed March 2, 1984]

I, M. Keith Ellis, director of agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to buckwheat and stowage examinations, chapter 16-213 WAC.

This action is taken pursuant to Notice No. WSR 84-03-045 filed with the code reviser on January 18, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 22.09 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 March 1, 1984.

By M. Keith Ellis  
Director

NEW SECTION

WAC 16-213-200 DEFINITIONS. (1) "Buckwheat" means grain which before the removal of dockage consists of fifty percent or more of whole kernels of buckwheat (domestic varieties). The term "buckwheat" in these standards shall not include wild buckwheat.

(2) "Dockage" means all matter other than buckwheat which can be readily removed from a test portion of the original sample by use of the approved device in accordance with the procedures as set down in these standards.

(3) "Foreign material" means all matter other than buckwheat which remains in the sample after the removal of dockage.

(4) "Moisture" means a percentage ascertained by the air oven or by any device and method which gives equivalent results.

(5) "Percentages" means percentages ascertained by weight except in the case of moisture.

(6) "Sample grade buckwheat" means buckwheat which has a commercially objectionable foreign odor; or is musty, sour, heating, or hot; or contains eight or more stones per one thousand grams; or fails to meet the grade requirements of Washington numerical grades, or is otherwise distinctly low quality.

(7) "Stones" means concreted, earthy, or mineral matter or other substances of similar hardness that do not disintegrate readily in water.

(8) "Test weight per bushel" means the weight as determined per Winchester Bushel (35.24 liters) or as determined by any device and method which gives equivalent results.

(9) "Type" of buckwheat (large or small) means the result determined by sizing a portion using an 8/64 x 3/4 slotted sieve, and shall be added to and made a part of the grade designation.

(a) The designation shall be "Large" when twenty percent or less of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(b) The designation shall be "Small" when more than twenty percent of the buckwheat passes through an 8/64 x 3/4 slotted sieve.

(10) "Weevily" buckwheat shall be buckwheat that is infested with live weevils or other insects injurious to stored buckwheat.

NEW SECTION

WAC 16-213-210 PROCEDURES. (1) The determination of dockage shall be on approximately nine hundred seventy-five to one thousand twenty-five grams cut from the representative sample.

(a) The Carter dockage tester shall be set up as follows:

(i) Set the air control at number six;

(ii) Set the feed control at number six;

(iii) Use the number two riddle in the riddle carriage;

(iv) Use no sieve in the top sieve carriage;

(v) Use the number eight sieve in the middle sieve carriage;

(vi) Use the number eight sieve in the bottom sieve carriage.

(b) Dockage will then consist of:

(i) The material removed from the air collecting pan;

(ii) Material over the number two riddle. If any buckwheat is in this pan, remove and return to dockage free buckwheat;

(iii) Material through the number eight sieve. If by weight, it is fifty percent or more of material other than buckwheat, return all of it to the dockage. If by weight, it is more than fifty percent buckwheat, return all of it to the dockage free buckwheat;

(iv) Material through the number six bottom sieve.

(c) Record the percentage of dockage on the pan ticket. When applicable, the percentage of dockage shall be shown on the inspection certificate. The percentage of dockage when equal to 0.5 percent or more shall be stated in terms of half percent, whole percent, or whole and half percent, whichever is applicable, with other fractions disregarded as shown in the following examples:

0.50 to 0.99 percent is expressed as 0.5 percent;

1.00 to 1.49 percent is expressed as 1.0 percent;

1.50 to 1.99 percent is expressed as 1.5 percent, etc.

(2) The determination of foreign material shall be made on a representative portion of approximately sixty grams cut from the work sample after the removal of dockage. The percentage of foreign material shall be shown on the pan ticket and the inspection certificate to the nearest tenth of a percent.



(3) The determination for moisture shall be made on a representative portion of exactly two hundred fifty grams obtained from the representative sample before the removal of dockage. The percentage of moisture shall be shown on the pan ticket and the inspection certificate in whole and tenths of a percent to the nearest tenth percent.

(4) The determination for distinctly low quality and Washington sample grade factors shall be made on the basis of the lot as a whole and/or a representative portion of approximately one thousand grams cut from the representative sample before the removal of dockage. Distinctly low quality factors shall include:

(a) Animal filth. Buckwheat containing two or more rodent pellets, bird droppings, or an equivalent quantity of other animal filth shall be graded Washington sample grade.

(b) Broken glass. Buckwheat containing two or more pieces of broken glass shall be graded Washington sample grade.

(c) Castor beans. These multi-colored bean-like seeds of the castor-oil plant have been found to be highly toxic to animal life. Buckwheat containing three or more castor beans shall be graded Washington sample grade.

(d) *Crotalaria*. The seeds of *Crotalaria* (*CROTALARIA* spp.) are highly toxic to animal life. These seeds can be various colors and are generally "kidney" or "boxing glove" shaped. Buckwheat containing three or more *Crotalaria* seeds shall be graded Washington sample grade.

(e) Unknown foreign substance. Buckwheat containing four or more pieces of an unknown foreign substance shall be graded Washington sample grade. Pelletized material other than feed pellets shall be considered an unknown foreign substance. Feed pellets in buckwheat are considered dockage or foreign material, depending on where they are found during grading.

When buckwheat is found to be Washington sample grade on one or more of these factors, this fact and the reasons therefore shall be shown on the pan ticket and the inspection certificate even though the buckwheat may be Washington sample grade on another factor.

(5) The determination of stones shall be made on a representative portion of approximately one thousand grams of buckwheat after the removal of dockage.

(6) The determination for test weight per bushel shall be made on a representative portion of buckwheat ranging in size from one and one-eighth to one and one-quarter quarts after the removal of dockage. The test weight per bushel of buckwheat, whether or not this factor determines the grade, shall be shown on the pan ticket and the inspection certificate in whole and half pounds. A fraction of a half pound shall be disregarded.

(7) The determination of type shall be made on a representative portion of approximately two hundred fifty grams cut from the work sample after the removal of dockage. One of the following methods may be used:

(a) The mechanical sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve and the bottom pan on the mechanical sieve shaker with the sieve perforations parallel to the direction of the movement. The

sample is placed on the sieve and shaken lengthwise of the slots for twenty strokes.

(ii) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(b) Hand sieving method.

(i) Mount an 8/64 x 3/4 slotted sieve on a bottom pan.

(ii) Place the two hundred fifty gram portion in the center of the pan.

(iii) Hold the sieve level in both hands with elbows close to the body and the sieve perforations parallel to the direction of the movement.

(iv) In a steady motion move the sieve left to right approximately ten inches and then return from right to left.

(v) Repeat the operation twenty times.

(vi) All the material passing through the sieve shall be weighed and the percentage determined to the nearest tenth of a percent. This percentage shall be shown on the pan ticket and the inspection certificate.

(8) The determination for the special grade "weevily" shall be made on the basis of the lot as a whole and/or the representative sample before the removal of dockage. Buckwheat is considered infested and shall be graded weevily when:

(a) The work sample contains one live weevil and any other live insect injurious to stored grain.

(b) The work sample contains one live weevil and the balance of the representative sample contains one live weevil or any other live insect injurious to stored grain.

(c) The work sample, or the work sample and the balance of the representative sample combined, contains no live weevils but does contain five or more other live insects injurious to stored grain.

(d) Two or more live weevils are found in, on or about the lot. When buckwheat is found to be weevily, this fact shall be shown on the pan ticket and on the inspection certificate in accordance with grade designation procedures.

(9) To provide uniform certification the following procedure shall be observed when writing grade designations on pan tickets and inspection certificates:

(a) The word "Washington" preceded by the abbreviation "No." and the numerical grade, or preceded by the words "Sample Grade", as the case may be, shall be shown first;

(b) The word "Large" or "Small" shall be shown next;

(c) The word "Buckwheat" shall be shown next;

(d) When applicable, the special grade "Weevily" shall be shown next;

(e) When applicable, the word "Dockage" together with the percentage thereof.

(10) The following certification requirements are applicable to buckwheat under these standards:

GRADE	MINIMUM TEST WEIGHT PER BUSHEL (POUNDS)		MAXIMUM LIMIT OF FOREIGN MATERIAL
	LARGE	SMALL	
	Pounds	Pounds	Percent
No. 1 Washington	45	48	1.0
No. 2 Washington	43	46	2.0
No. 3 Washington	40	42	4.0

Sample grade - Buckwheat which has a commercially objectionable foreign odor, or is musty, sour, heating, hot, contains eight or more stones per one thousand grams, or is otherwise distinctly low quality shall be graded Washington sample grade buckwheat with the inspector's notation as to quality and condition.

**NEW SECTION**

WAC 16-213-220 INSPECTION AND CERTIFICATION OF SHIPLOTS AND COMBINED LOTS OF WASHINGTON BUCKWHEAT. (1) For the loading of shiplots and combined lots, procedures from Chapter 2 - "Inspection of Shiplots and Combined Lots" and Chapter 3 - "Certification of Shiplots and Combined Lots" shall be utilized from the Federal Grain Inspection Manual.

(2) The following table shall be used for Uniform Inspection and determination of breakpoints.

(3) For purposes of the table below, GL means grade limit and BP means breakpoint.

GRADE	MINIMUM TEST WEIGHT PER BUSHEL (POUNDS)				MAXIMUM LIMIT OF FOREIGN MATERIAL	
	LARGE		SMALL		FOREIGN MATERIAL	
	GL	BP	GL	BP	GL	BP
No. 1 Washington	45.0	0.5	48.0	0.5	1.0	0.5
No. 2 Washington	43.0	0.5	46.0	0.5	2.0	0.5
No. 3 Washington	40.0	0.5	42.0	0.5	4.0	0.8

OTHER FACTORS	GRADE LIMIT	BREAKPOINT
Moisture	As specified by contract or load order	
Dockage	0.49%	0.27%
	0.99%	0.27%
	1.49% and above	0.39%
Large	20% or Less	5.0%
Small	More than 20%	-5.0%
Weevily	See WAC 16-213-210(8)	0 count

**NEW SECTION**

WAC 16-213-230 WASHINGTON STOWAGE EXAMINATIONS. (1) Upon request, original inspection or reinspection stowage examinations to determine suitability for loading of carriers transporting cultivated buckwheat, beet pulp pellets and other commodities not specifically covered by the United States Grain Standards Act, as amended (7 U.S.C. 71 et seq.) or the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 et seq.) will be performed by inspectors of the Washington state department of agriculture who are licensed under one of the above acts to perform official export stowage examinations.

(2) Procedures and guidelines for cleanliness shall be those of the United States Grain Standards Act, as amended. If the stowage area is acceptable, results shall be certificated on a Washington state certificate as:

"Hold no(s) ..... was (were) examined on the above date by an inspector of the Washington state department of agriculture and was (were) found to be substantially clean, dry, free of insect infestation and suitable to maintain the quality of the (type of commodity) ."

If the stowage area is unacceptable, results will be certificated on a Washington state certificate as:

Hold no(s) ..... was (were) examined on the above date by an inspector of the Washington state department of agriculture and was (were) found to be not suitable to maintain the quality of the (type of commodity) because of (condition) ."

The terms "official" or "official stowage examination" shall not be used.

**WSR 84-06-037**

**NOTICE OF PUBLIC MEETINGS  
HUMAN RIGHTS COMMISSION**

[Memorandum—March 1, 1984]

It has been necessary to change the meeting site for the forthcoming State Human Rights Commission meeting scheduled for March 14 and 15, 1984. The meeting is now scheduled to be held at the Madison Hotel, 515 Madison Street, Seattle, Washington instead of the Edgewater Inn, 2411 Alaskan Way, Pier 67, Seattle, Washington.

The time and date will remain the same, March 14 and 15, 1984, beginning at 9:30 a.m. each day.

**WSR 84-06-038**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 2, 1984]

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 Notification of suspension or termination or reduction of grant—Dispensation of advance notice, amending WAC 388-33-385;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, in the Third Floor Conference Room, H-19, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

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.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

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 March 28, 1984. The meeting site is in a location which is barrier free.

Dated: March 1, 1984

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 388-33-385.

Purpose of the Rule: To delete references to a conditional termination notice and add rules for unconditional notices.

The Reason These Rules are Necessary: To bring the rule into compliance with the Hardy v. Gibbs consent order.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Advance and adequate notice must be given the recipient who fails to provide information/verification or take a specific action.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: MaryRose Trepanier, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 753-3177.

These rules are necessary as a result of a state court decision, Hardy vs. Gibbs, Consent Order No. 82-2-00408-9, Thurston County Superior Court.

Economic Impact on Small Businesses: None.

AMENDATORY SECTION (Amending Order 906, filed 2/14/74)

WAC 388-33-385 NOTIFICATION OF SUSPENSION OR TERMINATION OR REDUCTION OF GRANT—DISPENSATION OF ADVANCE NOTICE. Advance notice of action to terminate, suspend, or reduce assistance is not required when:

(1) The local office has factual information of the death of the recipient or of the AFDC or refugee assistance payee when there is no other relative available to serve as payee.

(2) A recipient has been admitted or committed to an institution (~~which makes~~) making the recipient ineligible.

(3) A recipient has been placed in skilled nursing or intermediate care or long-term hospitalization.

(4) The recipient's whereabouts are unknown and departmental mail directed to him or her has been returned by the post office indicating no known forwarding address.

(5) A recipient has been accepted for assistance in another state (~~or has moved to a different local office area if verified by the local office previously authorizing assistance~~).

(6) An AFDC child is removed from the home as a result of a judicial determination or voluntarily placed in foster care by his or her legal guardian.

(7) Eligibility for assistance or an additional requirement is determined to exist for a specific limited period of time and the recipient has been so advised.

(8) The local office receives a clear statement from the recipient that he or she no longer wishes assistance (~~or that gives information which requires termination, suspension or reduction of assistance~~). The local office shall immediately send adequate notice to confirm the verbal or written request for termination.

~~((a) The local office shall have reasonable assurance that the recipient understands the consequences of his supplying such information.~~

~~(b) The local office shall immediately send adequate notice to confirm verbal information reported by a recipient for eligibility purposes.)~~

(9) The local office receives a clear statement from the recipient giving information requiring termination, suspension, or reduction of assistance. The recipient must indicate in writing that he or she understands the consequence of supplying such information. Adequate notice is required stating the adverse action.

**WSR 84-06-039**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 2, 1984]

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 funeral expense, amending chapter 388-42 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

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

The specific statute these rules are intended to implement is RCW 74.08.120.

This notice is connected to and continues the matter in Notice Nos. WSR 83-24-066 and 84-03-053 filed with the code reviser's office on December 7, 1983, and January 18, 1984.

Dated: March 2, 1984  
 By: David A. Hogan, Director  
 Division of Administration and Personnel

**WSR 84-06-040**  
**EMERGENCY RULES**  
**DEPARTMENT OF AGRICULTURE**  
 [Order 1813—Filed March 2, 1984]

I, Michael Schwisow, deputy director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishing tolerances for the chemical ethylene dibromide, WAC 16-228-340.

I, Michael Schwisow, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is in order to protect the health and welfare of the citizens of the state of Washington from food products potentially contaminated with ethylene dibromide (EDB) residues, this order is necessary for the department to take action to remove foods from the marketplace that could contain EDB in excess of tolerances recommended by the Environmental Protection Agency. Tolerance guidelines have been issued for citrus fruit, in addition to guidelines for grain and grain products.

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

This rule is promulgated pursuant to chapters 17.21 and 69.04 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 March 2, 1984.

By Michael Schwisow  
 Deputy Director

**AMENDATORY SECTION (Amending Emergency Order 1811, filed February 7, 1984)**

**WAC 16-228-340 ESTABLISHING TOLERANCES FOR THE CHEMICAL ETHYLENE DIBROMIDE (EDB).** ~~((+))~~ *As recommended by the Environmental Protection Agency the following tolerances have been established for the chemical ethylene dibromide and shall not exceed these levels in the state of Washington:*

~~((+))~~ *(1) Unprocessed grain and grain-related products for human consumption – not to exceed nine hundred parts per billion;*

~~((b))~~ *(2) Products requiring cooking, i.e., cereals, flour, cake mixes, etc. – not to exceed one hundred fifty parts per billion;*

~~((c))~~ *(3) Ready to eat products, i.e., snack food, bread, etc. – not to exceed thirty parts per billion;*

*(4) Citrus fruit and papayas:*

*(a) Whole fruit – not to exceed two hundred fifty parts per billion;*

*(b) Edible pulp of whole fruit – not to exceed thirty parts per billion.*

**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 84-06-041**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed March 2, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning Olympia, City of, amending WAC 173-19-4203.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 29, 1984.

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 84-04-078 filed with the code reviser's office on February 1, 1984.

Dated: March 2, 1984  
 By: John F. Spencer  
 Deputy Director

**WSR 84-06-042**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Filed March 2, 1984]

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 Clallam County, amending WAC 173-19-130.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 27, 1984.

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 84-01-084 filed with the code reviser's office on December 21, 1983.

Dated: March 1, 1984  
 By: John F. Spencer  
 Deputy Director

**WSR 84-06-043**  
**ADOPTED RULES**  
**DEPARTMENT OF ECOLOGY**  
 [Order DE 83-40—Filed March 2, 1984]

I, John F. Spencer, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to:

Amd WAC 173-19-280 Klickitat County.  
 Amd WAC 173-19-450 Whatcom County.  
 Amd WAC 173-19-3514 Tacoma, City of.

This action is taken pursuant to Notice No. WSR 84-01-085 filed with the code reviser on December 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 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 March 1, 1984.

By John F. Spencer  
 Deputy Director

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

WAC 173-19-280 **Klickitat County.** Klickitat County master program approved August 29, 1975. Revision approved September 6, 1979. Revision approved March 1, 1984.

**AMENDATORY SECTION** (Amending Order DE 82-45, filed 12/23/82)

WAC 173-19-450 **Whatcom County.** Whatcom County master program approved August 27, 1976. Revision approved April 11, 1977. Revision approved August 11, 1978. Revision approved December 22, 1981. Revision approved January 5, 1982. Revision approved March 4, 1982. Revision approved December 15, 1982. Revision approved March 1, 1984.

**AMENDATORY SECTION** (Amending Order DE 83-16, filed 5/24/83)

WAC 173-19-3514 **Tacoma, City of.** City of Tacoma master program approved April 5, 1977. Revision approved December 5, 1979. Revision approved March 17, 1981. Revision approved November 23, 1981. Revision approved April 6, 1982. Revision approved May 24, 1983. Revision approved March 1, 1984.

**WSR 84-06-044**  
**ATTORNEY GENERAL OPINION**  
**Cite as: AGO 1984 No. 8**  
 [March 1, 1984]

**CITIES AND TOWNS—CONSOLIDATION—SEPA—JURISDICTION OF BOUNDARY REVIEW BOARD OVER INTER-COUNTY MUNICIPAL ANNEXATION—APPLICABILITY OF STATE ENVIRONMENTAL POLICY ACT**

(1) A county boundary review board has jurisdiction over a proposal to consolidate a city located within the county with other cities in an adjacent county; however, the only issue which should be deemed to be before the board is whether that city should be included in the proposed new municipality.

(2) The provisions of chapter 43.21C RCW, the State Environmental Policy Act (SEPA), are applicable to any review undertaken of such a consolidation proposal by the boundary review board.

Requested by:

Honorable C. J. Rabideau  
 Prosecuting Attorney  
 Franklin County  
 P. O. Box 1160  
 Pasco, WA 99301

**WSR 84-06-045**  
**EMERGENCY RULES**  
**LOTTERY COMMISSION**  
 [Order 53—Filed March 5, 1984]

Be it resolved by the State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

Amd WAC 315-04-070 License fees.  
 Amd WAC 315-04-120 Transfer of license prohibited.  
 New WAC 315-04-132 Change of business structure.  
 New WAC 315-04-133 Change of ownership.

We, the 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 it is an unwarranted burden and expense both for the lottery and the licensed agent to process unnecessary applications and conduct background checks on persons already investigated. In addition, it is not equitable for the lottery to charge fees for unnecessary 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 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 March 2, 1984.

By Earle Glant  
Vice Chairperson

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-070 LICENSE FEES. (1) The fee for a license application shall be \$15.00.

(2) The fee for renewal of a license shall be \$15.00.

(3) The fee for late renewal of a license shall be \$25.00 in addition to the renewal fee of \$15.00.

(4) The fee for a background check shall be \$10.00 ((for:

(a) ~~Initial licensure~~) regardless of the number of individuals listed on the license application for whom background checks are required((:)). A background check will be required and this fee will be charged when an application for a license or renewal thereof lists an individual who does not have on file with the lottery a current "Criminal History Statement" or current "Renewal Affidavit - Criminal History."

((b) ~~Each subsequent addition of one or more partners or officers, an owner's or partner's spouse, or a new holder of ten percent or more equity in the business.~~))

(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 (2) above which may be refunded if a license is not issued or renewed.

(6) The fees in subsections (1) and (2) may be prorated for staggered license renewal periods as provided in WAC 315-04-100.

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

AMENDATORY SECTION (Amending Order 41, filed 12/8/83)

WAC 315-04-120 ~~TRANSFER ((OF OWNER-SHIP)) OF LICENSE PROHIBITED. ((+))~~ Any license issued by the director is personal to the licensed agent and may not be transferred to another person except in the event of the death or incapacity of licensee as provided in WAC 315-04-130.

~~((2) If the person to which a license is issued substantially changes its ownership, the license shall immediately terminate and be void and tickets shall not be sold. Every such change in ownership shall be reported to the lottery prior to the change. The license and identification card shall be surrendered to the lottery immediately. A substantial change in ownership of a business shall mean the transfer of ten percent or more equity in that business. In the event the new ownership wishes to become a licensed agent, the new ownership shall submit an application and fees for initial licensure and the lottery shall process these in accordance with these rules.))~~

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 315-04-132 CHANGE OF BUSINESS STRUCTURE. Every change of business structure of a person to whom a license has been issued must be reported to the lottery prior to the change. A change of business structure shall mean the change from one form of business organization to another, such as from sole proprietorship to partnership or corporation.

(1) If such change involves the addition of one or more owners or officers, the license shall terminate and be void and tickets shall not be sold. In the event the new person wishes to become a licensed agent, that person shall submit a license application and fees which the lottery will process in accordance with these rules.

(2) If such change does not involve the addition of one or more owners or officers, the license shall not be terminated. No fee will be required; however, the licensed agent shall submit a license application reflecting the change and any other documentation the director may require.

NEW SECTION

WAC 315-04-133 CHANGE OF OWNERSHIP. Every substantial change of ownership of a person to whom a license has been issued must be reported to the lottery prior to the change. A substantial change of ownership shall mean the transfer of 10 percent or more equity.

(1) If such a change involves the addition of one or more owners, the license shall terminate and be void and tickets shall not be sold. In the event the new person wishes to become a licensed agent, the new person shall submit a license application and fees which the lottery shall process in accordance with these rules.

(2) If such change involves the deletion of one or more existing owners, the license shall not be terminated. No fees will be required; however, the licensed agent shall submit a license application reflecting the change(s) and any other documentation the director may require.

WSR 84-06-046

PROPOSED RULES

UNIVERSITY OF WASHINGTON

[Filed March 5, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning:

Amd	WAC 478-116-010	Preamble.
Amd	WAC 478-116-240	Visitor parking.
Amd	WAC 478-116-440	Procedure—Summons and service thereof.
Amd	WAC 478-116-588	Notices and redemption of impounded vehicles.
AMD	WAC 478-116-600	Fees.

New WAC 478-116-511 Procedure—Appeal of judgment.

These regulations concern the parking and traffic regulations of the University of Washington.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 20, 1984.

The authority under which these rules are proposed is RCW 28B.21.30 [28B.20.130] and 28B.10.560.

The specific statute these rules are intended to implement is RCW 82.08.010 and 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 19, 1984.

Dated: March 5, 1984

By: Elsa Kircher Cole

Assistance Attorney General

**STATEMENT OF PURPOSE**

Statutory Authority: RCW 28B.21.30 [28B.20.130] and 28B.10.560.

Purpose of the Rule(s): The objectives of the regulations are to protect and control traffic and assure access for emergency equipment, minimize traffic disturbances during class hours, facilitate the work of the university by assuring access to its vehicles, and assure the most efficient use of limited parking space.

Summary of the Rule(s): The University of Washington parking and traffic regulations regulate parking, and pedestrian and vehicular traffic on the university campus.

Reasons Which Support the Proposed Action: To amend the University of Washington parking and traffic regulations to conform with RCW 82.08.010 and 28B.10.560.

Name of Person or Organization Proposing the Rule(s): J. F. Ryan, Vice President for Business and Finance, governmental.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule(s): J. F. Ryan, Vice President for Business and Finance, (206) 543-6410.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action, or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule(s): [No information supplied by agency]

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-010 PREAMBLE. Pursuant to the authority granted by RCW 28B.10.560 and 28B.20.130, the board of regents of the University of Washington establishes the following regulations to govern ((parking and traffic on campus)) pedestrian traffic and vehicular traffic and parking upon public lands and facilities of the University of Washington.

AMENDATORY SECTION (Amending Order 81-2, filed 6/24/81)

WAC 478-116-240 VISITOR PARKING. All visitors, including guests, salespersons, hospital or health center patients and in-patient visitors, maintenance or service personnel, and all other members of the public shall park only in available space as directed by the parking division and shall pay the established parking fee, except as noted below:

(1) Federal, state, county, city, school district and similar governmental personnel on official business either in vehicles with tax exempt licenses or by prior arrangements with the parking division shall be admitted to the campus without charge.

(2) Vehicles owned by contractors and their employees working on campus construction may be parked in designated construction work areas as shown on the construction project drawings without charge. A valid construction parking permit must be visibly displayed in these vehicles.

(3) Members of the press, television, radio and wire services on official business may park in designated spaces without charge.

(4) Taxis and commercial delivery vehicles may enter the campus without payment of the parking fee for pickup or delivery of passengers, supplies and equipment only.

(5) Visitors and guests attending special university-wide events such as commencement will be parked without charge. Parking fees shall be charged for college and departmental events such as open houses, symposiums, social and cultural events, unless exempted elsewhere in these regulations.

(6) Visitors invited to the campus for the purpose of rendering uncompensated services to departmental areas will be parked in designated areas without charge. In such event, the department receiving the uncompensated service will pay the parking fee from its operating budget.

(7) Persons invited to the campus for the purpose of rendering uncompensated services to the University of Washington, as identified by the office of the president, will be parked in designated areas without charge.

(8) Persons holding emeritus or similar appointments who do not elect re-employment in a compensated status after retirement will be parked in designated areas without charge.

NEW SECTION

WAC 478-116-511 PROCEDURE—APPEAL OF JUDGMENT. A person charged with a parking infraction who deems himself or herself aggrieved by the final decision in an internal jurisdiction may, within ten days after written notice of the final decision, appeal by filing a written notice thereof with the University of Washington police department. Documents relating to the appeal shall immediately be forwarded to the Seattle district court who shall have jurisdiction to hear the appeal de novo.

AMENDATORY SECTION (Amending Order 82-1, filed 6/23/82)

WAC 478-116-600 FEES. (1) For purposes of this section the following lots are in:

- (a) Zone A -
  - (i) Central campus: C1, C3, C6, C7, C8, C9, C10, C12, C13, C14, C15, C16, C17, C18;
  - (ii) East campus: E3, E6, E7, E8, E13;
  - (iii) North campus: N2, N3, N4, N6, N7, N8, N9, N10, N11, N12, N13, N14, N15, N16, N18, N20, N21, N22, N23, N24, N26, N27, N28, N2E;
  - (iv) South campus: S1, S4, S5, S6, S7, S8, S9, S10;
  - (v) West campus: W3, W4, W5, W6, W7, W8, W9, W10, W11, W12, W13, W14, W18, W19, W20, W21, W22, W23, W24, W25, W34, W39, W41, W42.
- (b) Zone B -
  - (i) East campus: E2, E9, E10, E11, E12, E15;
  - (ii) North campus: N1, N5, N25;
  - (iii) South campus: S13;
  - (iv) West campus: W2, W26, W27, W28, W29, W30, W31, W32, W33, W35, W36, W38, W40, W43.

(2) The following schedule of parking fees is hereby established:

	PER AMOUNT
(a) Type of Permit -	
(i) Annual Permits:	
(A) Zone A Permits	Year ( <del>(\$156.00)</del> \$168.00
(B) Zone B Permits	Year ( <del>(+\$4.00)</del> 122.88
(C) Reserved - General	Year ( <del>(300.00)</del> 324.00
(D) Wheelchair permits	Year ( <del>(+\$4.00)</del> 122.88

	PER AMOUNT		PER AMOUNT
(E) Motorcycles, Scooters and Mopeds	Year <del>((24.00))</del> <u>25.92</u>	(iii) over 30 minutes <del>((4.00))</del> (e) Special Permits -	1.00
(F) Drive-through permits (Full-time Faculty and Staff only)	Year <del>((6.00))</del> <u>6.48</u>	(i) Short term	Week <del>((4.00))</del> <u>4.30</u>
(G) 24-hour storage, garages	Year <del>((180.00))</del> <u>194.40</u>	(ii) Short-term Motorcycle	Day <del>((3.5))</del> <u>.40</u>
(H) Carpool Permits	Year <del>((24.00))</del> <u>25.92</u>	(iii) Ticket Books (persons identified in WAC 478-116-240(6) and 478-116-250(1) only)	
(I) Retiree Permits	Month <u>5.60</u>	(A) 5 ticket book - Dept./Indv.	<del>((3.25))</del> <u>3.50</u>
(ii) Quarterly Permits:		(B) 10 ticket book - Dept./Indv.	<del>((6.50))</del> <u>7.00</u>
(A) Zone A permits	Quarter <del>((39.00))</del> <u>42.00</u>	(C) 25 ticket book - Dept./Indv.	<del>((16.25))</del> <u>17.50</u>
(B) Zone B permits	Quarter <del>((28.50))</del> <u>30.72</u>	(iv) Steno Person (SP) and Special Services (SS)	Year <del>((156.00))</del> <u>168.00</u>
(C) Reserved - General	Quarter <del>((75.00))</del> <u>81.00</u>		Quarter <del>((39.00))</del> <u>42.00</u>
(D) Wheelchair permits	Quarter <del>((28.50))</del> <u>30.72</u>	<del>((te))</del> (f) Mechanically Controlled Parking Areas as Designated (Parking meters, ticket dispensers, automatic gates, etc.)	.10-.75
(E) Drive-through permits (Full-time Faculty and Staff only)	Quarter <del>((2.00))</del> <u>2.16</u>	<del>((ff))</del> (g) Athletic Events -	
(F) Motorcycles, Scooters and Mopeds	Quarter <del>((6.00))</del> <u>6.48</u>	(i) Football	<del>((2.00))</del> <u>2.25</u>
(G) 24-hour storage, garages	Quarter <del>((45.00))</del> <u>48.60</u>	(A) Automobiles	<del>((4.00))</del> <u>4.30</u>
(H) Carpool Permits	Quarter <del>((6.00))</del> <u>6.48</u>	(B) Motor homes	<del>((6.00))</del> <u>6.50</u>
(I) Retiree Permits	Quarter <u>16.80</u>	(C) Buses	
(iii) Night Permits (4:00 p.m. to 7:30 a.m. and Saturday a.m. only)		(ii) All other events - Pavilion and Stadium lots	1.50
(A) Zone A annual permits	Year <del>((72.00))</del> <u>78.00</u>	(A) When staffed by attendants	.50
(B) Zone B annual permits	Year <del>((42.00))</del> <u>45.60</u>	(B) When controlled by mechanical equipment (E1-only)	
(C) Zone A quarterly permits	Quarter <del>((18.00))</del> <u>19.50</u>	<del>((fg))</del> (h) Miscellaneous Fees -	
(D) Zone B quarterly permits	Quarter <del>((10.50))</del> <u>11.40</u>	(i) Transfer from one area to another by request of individual	2.00
(iv) Academic Year Permits (9 months - 24-hour Storage)		(ii) Gate keycard replacement - not to exceed	<del>((5.00))</del> <u>5.40</u>
(A) Zone A	Academic year <del>((117.00))</del> <u>126.00</u>	(iii) Vehicle <del>((Gatekey))</del> gate keycard deposit (Amount of deposit will be set by the Manager of the Parking Division. Deposit will be returned to individual when key is returned to Parking Division.)	Not to exceed 10.00
(B) Zone B	Academic year <del>((85.50))</del> <u>92.16</u>	(iv) Permit Replacement	
(C) 24-hour storage-garages	Academic year <del>((135.00))</del> <u>145.80</u>	(A) With signed certificate of destruction or theft	<del>((1.00))</del> <u>1.10</u>
(b) Hourly Parking Rates for Designated Areas on Main campus and South Campus (6:45 a.m. to 11:00 p.m. weekdays only) -		(B) Without certificate of destruction or theft	<del>((2.00))</del> <u>2.15</u>
(i) 0-15 minutes	No charge	(v) Impound Fee	At cost
(ii) 15 minutes to 30 minutes	\$ .75	(vi) Carpools - (Daily pay parking in certain designated areas. Two or more persons.)	<del>((25-.50))</del> <u>25-.55</u>
(iii) to 1 hour	1.00		
(iv) 1 hour to 2 hours	1.50		
(v) 2 hours to 3 hours	1.75		
(vi) over 3 hours	<del>((2.00))</del> <u>2.25</u>		
(vii) gate issued	Week <del>((6.00))</del> <u>6.50</u>		
<del>((b-1))</del> (c) Hourly Parking Rates for Designated Areas on the Periphery of Campus (6:45 a.m. to 11:00 p.m. weekdays only) -			
(i) 0-15 minutes	No charge		
(ii) 15 minutes to 1 hour	.50		
(iii) 1 hour to 2 hours	1.00		
(iv) over 2 hours	<del>((1.25))</del> <u>1.35</u>		
<del>((te))</del> (d) Evening Parking (4:00 p.m.-12:00 midnight)			
(i) 0-15 minutes	No charge		
(ii) 15-30 minutes	.50		

NOTE: The schedule above includes applicable Washington state sales tax.

AMENDATORY SECTION (Amending Order 75-2, filed 6/4/75)

WAC 478-116-440 PROCEDURE—SUMMONS AND SERVICE THEREOF. Upon probable cause to believe that a violation of these regulations has occurred, an appropriate summons or parking/traffic violation notice may be issued by the university police department setting forth the date, the approximate time, the locality, and the nature of the violation. Such summons may be served by delivering or mailing a copy thereof to the alleged violator, by attaching or affixing a copy thereof to the vehicle or bicycle allegedly involved in such violation, or by placing a copy thereof in some prominent place



within such vehicle. Service by mail shall be ~~((accomplished by placing a copy of the summons in the mail addressed to the alleged violator at the address shown on the records of the office of the registrar, the staff personnel office or academic personnel records for that person or any other last known address of that person))~~ mailed to the registered owner at the address provided by the Washington state department of licenses or the corresponding agency of any other state or province.

AMENDATORY SECTION (Amending Order 78-3, filed 6/15/78)

WAC 478-116-588 NOTICE AND REDEMPTION OF IMPOUNDED VEHICLES. (1) Not more than 48 hours after impoundment of any vehicle, the University of Washington police department shall mail a notice to the registered owner of the vehicle, as may be disclosed by the vehicle license number, if such be obtainable, and to any other person who claims the right to possession of the vehicle, if such a claim is known to an officer, agent or employee of the University of Washington police department who has knowledge of the impoundment. The notice shall be mailed to the registered owner at the address provided by the Washington state department of motor vehicles or the corresponding agency of any other state or province. If a police officer who has knowledge of the impoundment has reason to believe that an owner, or one who claims to be an owner, is residing or in custody at some different address which is known to the officer, a copy of the notice shall be mailed or personally delivered to such owner or claimant in a manner designed, as nearly as may be practicable, to give actual notice to him or her. The notice shall contain the full particulars of the impoundment, redemption, an opportunity for ~~((a))~~ a hearing to contest the propriety of the impoundment as hereinafter provided.

Similar notice shall be given to each person who seeks to redeem an impounded vehicle. If a vehicle is redeemed prior to the mailing of notice, the notice need not be mailed.

(2) Vehicles impounded shall be redeemed only under the following circumstances:

(a) Only the registered owner or person authorized by the registered owner and who produces proof of authorization and signs a receipt therefor, may redeem an impounded vehicle.

(b) Any person so redeeming a vehicle impounded shall pay the cost of such impoundment (towing and storage), together with such fines as ~~((fare outstanding against the vehicle if impoundment was made pursuant to))~~ are outstanding against the vehicle if impoundment was made pursuant to WAC 478-116-582 prior to redemption, except as provided in subsection (c) of this regulation.

(c) Any person seeking to redeem a vehicle impounded under ~~((WAC 478-116-582,))~~ WAC 478-116-582, 478-116-584, or 478-116-586 has a right to a hearing to contest the validity of impoundment or the amount of towing and storage charges and shall have his or her vehicle released upon making a written request for a hearing to the university parking court ~~((a))~~, paying any outstanding fines, and executing a promissory note, naming the University of Washington as payee, in an amount to include both the costs of towing and storage and a civil penalty of fifty dollars which promissory note shall immediately become due and owing in the event such person either:

- (i) Fails to appear at the requested hearing, or
- (ii) Fails to pay by ~~((7:00))~~ 6:00 p.m. the next business day following the hearing any towing and storage charges for which such person may be found liable.

(A) In addition to any other penalty which may be imposed as a result of actions described in subsections (i) or (ii), campus parking privileges shall be suspended until all such debts are paid.

(B) The promissory note shall be automatically cancelled and discharged when a person either:

- (i) Pays the towing and storage charges and cancels his or her request for a hearing, or
- (ii) Pays the towing and storage charges by ~~((7:00))~~ 6:00 p.m. the next business day after having been found liable therefore at the hearing provided for in this section.

**WSR 84-06-047**

ADOPTED RULES

DEPARTMENT OF AGRICULTURE  
(Noxious Weed Control Board)

[Order 15, Resolution No. 15—Filed March 6, 1984]

Be it resolved by the State Noxious Weed Control Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to proposed noxious weed list, amending WAC 16-750-010.

This action is taken pursuant to Notice No. WSR 84-03-020 filed with the code reviser on January 10, 1984. 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 17.10.080 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 March 1, 1984.

By William B. Johnson  
Chairman

AMENDATORY SECTION (Amending Order 14, Resolution No. 14, filed 3/17/83)

WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the noxious weed control board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

ENGLISH OR  
COMMON NAME

BOTANICAL OR  
SCIENTIFIC NAME

Perennial Weeds

Austrian fieldcress  
Austrian peaweed  
Baby's Breath  
Bindweed, field  
Bindweed, hedge  
Blue Lettuce  
Blueweed, Texas  
Bracken, western  
Camelthorn  
Canada Thistle  
Dalmation Toadflax  
Gorse  
Hairy whitetop  
Hoary Cress or White Top  
Johnsongrass  
Knapweed, complex

Rorippa austriaca  
Sphaerophysa salsula  
Gypsophila paniculata  
Convolvulus arvensis  
Convolvulus sepium  
Lactuca pulchella  
Helianthus ciliaris  
Pteridium aquilinum  
Alhagi camelorum  
Cirsium arvense  
Linaria dalmatica  
Ulex europaeus  
Cardaria pubescens  
Cardaria draba  
Sorghum halepense  
Centaurea spp.

Leafy Spurge  
Lupine, broadleaf  
Lupine, grassland  
Lupine, low  
Lupine, sabin's  
Lupine, silky  
Lupine, sulfur  
Lupine, tailcup  
Lupine, velvet  
Nightshade, bitter

Euphorbia esula  
Lupinus ((spp.)) latifolius  
Lupinus laxiflorus  
Lupinus pusillus  
Lupinus sabinii  
Lupinus sericeus  
Lupinus sulphureus  
Lupinus caudatus  
Lupinus leucophyllus  
Solanum dulcamara

ENGLISH OR  
COMMON NAME

BOTANICAL OR  
SCIENTIFIC NAME

Dated: March 5, 1984  
By: Leonard Nord  
Secretary

Nightshade, silverleaf  
Nutsedge, yellow  
Oxeye Daisy  
Pepperweed, perennial  
Quackgrass  
Rush Skeletonweed  
St. Johnswort  
Scotch Broom  
Sowthistle, perennial  
Tansy, common  
Waterhemlock, western  
Watermilfoil, Eurasian  
Wormwood, Absinthe  
Yellow Toadflax

Solanum elaeagnifolium  
Cyperus esculentus  
Chrysanthemum leucanthemum  
Lepidium latifolium  
Agropyron repens  
Chondrilla juncea  
Hypericum perforatum  
Cytisus scoparius  
Sonchus arvensis  
Tanacetum vulgare  
Cicuta douglasii  
Myriophyllum spicatum  
Artemisia absinthium  
Linaria vulgaris

Biennial Weeds

Bull Thistle  
Houndstongue  
Knapweed, spotted  
Musk Thistle  
Plumeless Thistle  
Poison Hemlock  
Scotch Thistle  
Tansy Ragwort

Cirsium vulgare  
Cynoglossum officinale  
Centaurea maculosa  
Carduus nutans L.  
Carduus acanthoides  
Conium maculatum  
Onopordum acanthium  
Senecio jacobaea

Annual Weeds

Cocklebur  
Dodder  
Goatgrass, jointed  
Hemp (Marijuana)  
Kochia  
Medusahead  
Puncturevine  
Rye  
Sandbur, longspine  
Yellow Starthistle

Xanthium spp.  
Cuscuta spp.  
Aegilops cylindrica  
Cannabis sativa  
Kochia scoparia  
Taeniatherum asperum  
Tribulus terrestris  
Secale cereale L.  
Cenchrus longispinus  
Centaurea solstitialis

**WSR 84-06-048**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
[Filed March 6, 1984]

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 Probationary period—Provisions—Status of employee, amending WAC 356-30-260;

that the agency will at 10:00 a.m., Thursday, April 12, 1984, in the 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 April 10, 1984.

STATEMENT OF PURPOSE

Amend WAC 356-30-260.

Title: Probationary period—Provisions—Status of employee.

Purpose: Describes the purpose and provisions of the probationary period for state employees.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: To clarify reasons for dismissal during probationary period and to clarify appeal rights.

Responsibility for Drafting: Bill B. Turney, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-7125; Implementation: Department of Personnel; and Enforcement: All state agencies.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

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

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

OR

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

OR

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

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

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

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

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

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

**WSR 84-06-049**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**  
 [Filed March 6, 1984]

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

Amd	WAC 356-06-010	Definitions (trial service period).
Amd	WAC 356-06-050	Exempt service.
Amd	WAC 356-06-055	Exempt—Classified service—Movement between.
Amd	WAC 356-26-030	Register designation.
Amd	WAC 356-26-070	Certification—Registers—Order of rank—Exception.
Amd	WAC 356-30-230	Demotion—Voluntary.
Amd	WAC 356-30-305	Trial service period—Provision.
Amd	WAC 356-30-320	Trial service—Reversion—Status.
Amd	WAC 356-46-130	State housing committee—Responsibilities.
New	WAC 356-49-010	Inter-system employment—Purpose.
New	WAC 356-49-020	Application of rules.
New	WAC 356-49-030	Eligibility—Higher education personnel board permanent classified employee—Definition.
New	WAC 356-49-040	Inter-system movement between higher education personnel board/state personnel board jurisdiction;

that the agency will at 10:00 a.m., Thursday, April 12, 1984, in the 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 April 10, 1984.

Dated: March 5, 1984  
 By: Leonard Nord  
 Secretary

**STATEMENT OF PURPOSE**

Amend WAC 356-06-010.

Title: Definitions (trial service period).

Purpose: To define words and terms used throughout Title 356 WAC.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal would clarify when an individual accepting voluntary demotion serves a trial service period.

Responsibility for Drafting: Alan Eckroth, Employee Services Chief, Department of Corrections, Capital Center Building, MS: FN-61, Olympia, WA 98504, Phone: 753-0388; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Corrections, governmental agency.

Amend WAC 356-06-050.

Title: Exempt service.

Purpose: Outlines kind of positions included in the exempt service and the reporting relationship to the Department of Personnel.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposed changes would further describe the types of employees employed in the exempt service.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-06-055.

Title: Exempt—Classified service—Movement between.

Purpose: Outlines procedures and conditions for movement between classified positions and exempt positions.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposed changes would allow employees of the Higher Education Personnel Board to promote, transfer, or voluntarily demote to positions under the jurisdiction of the State Personnel Board.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-030.

Title: Register designation.

Purpose: Defines types of registers, who can be on each register, method of ranking and life of each register.

Statutory Authority: RCW 41.06.150.

Summary: Proposal adds employees of the Higher Education Personnel Board to certain registers within WAC 356-26-030.

Reasons: To allow Higher Education Personnel Board employees access to Department of Personnel registers.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-26-070.

Title: Certification—Registers—Order of rank—Exception.

Purpose: Specifies the order of register referrals.

Statutory Authority: RCW 41.06.150.

Summary: Proposal adds the new inter-system employment register (HEPB employees) to the rank order of registers.

Reasons: To allow HEPB employees access to the Department of Personnel registers.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-230.

Title: Demotion—Voluntary.

Purpose: Outlines conditions in which an employee may accept a voluntary demotion.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal clarifies when an individual accepting a voluntary demotion serves a trial service period.

Responsibility for Drafting: Alan Eckroth, Employee Services Chief, Department of Corrections, Capital Center Building, MS: FN-61, Olympia, WA 98504, Phone: 753-0388; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Corrections, governmental agency.

Amend WAC 356-30-305.

Title: Trial service period—Provision.

Purpose: States who will serve a trial service period.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal would require employees of the Higher Education Personnel Board to serve a trial service period upon entering the system under the jurisdiction of the State Personnel Board.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-30-320.

Title: Trial service—Reversion—Status.

Purpose: States reasons for reverting back to an employee's former job classification.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Proposal would provide reversion rights for those employees who have entered the State Personnel Board system from the Higher Education Personnel Board system and who have not satisfactorily completed their trial service period.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

Amend WAC 356-46-130.

Title: State Housing Committee—Responsibilities.

Purpose: Defines composition and duties of the State Housing Committee.

Statutory Authority: RCW 41.06.150.

Summary: To better identify rental units covered by the Personnel Board's rental and utility rate guidelines.

Reasons: The State Housing Committee feels that it needs to better identify those dwellings covered by the guidelines and those not.

Responsibility for Drafting: Robert Makula, Personnel Analyst, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 754-1769; Implementation and Enforcement: State Housing Committee.

Proposed by: State Housing Committee, governmental organization.

New WAC 356-49-010, 356-49-020, 356-49-030 and 356-49-040.

WAC 356-49-010.

Title: Inter-system employment—Purpose.

Purpose: Explains purpose for chapter 356-49 WAC.

WAC 356-49-020.

Title: Application of rules.

Purpose: Outlines which merit system rules apply to employees moving from the HEPB to the State Personnel Board system.

WAC 356-49-030.

Title: Eligibility—Higher Education Personnel Board permanent classified employee—Definition.

Purpose: Defines which employees under the the jurisdiction of the HEPB may apply to move into the system under the jurisdiction of the State Personnel Board.

WAC 356-49-040.

Title: Inter-system movement between Higher Education Personnel Board/State Personnel Board jurisdiction.

Purpose: Outlines procedures and conditions for employees entering the State Personnel Board system from the HEPB system.

Statutory Authority: RCW 41.06.150.

Summary: New rules would permit permanent, classified employees of the HEPB to promote, transfer or voluntarily demote to permanent, classified positions under the jurisdiction of the State Personnel Board.

Reasons: To provide an access to HEPB employees into the State Personnel Board system.

Responsibility for Drafting: Roger Sanford, Unit Manager, Department of Personnel, 600 South Franklin, MS: FE-11, Olympia, WA 98504, Phone: 753-5928; Implementation and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

#### AMENDATORY SECTION (Amending Order 194, filed 12/30/83)

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

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

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

AGENCY – An office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof. It includes any unit of state government established by law, the executive officer or members of which are either

elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

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

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

**ALLOCATION** – The assignment of a position to a job classification.

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

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

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

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

**BOARD** – The state personnel board.

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

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

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

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

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

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

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

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

**DATE OF ELECTION** – The date of election is the date the director of personnel certifies the results of the election.

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

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

**DIRECTOR** – The director of the department of personnel.

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

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

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

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

**ELIGIBLE** – An applicant whose name is on a register.

**EMERGENCY APPOINTMENT** – An appointment, for emergency reasons, not to exceed 60 calendar days.

**EMPLOYEE** – Any person employed under the jurisdiction of these rules.

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

**EXECUTIVE PERSONNEL** (As used in chapter 15 of these rules) – Employees who customarily and regularly exercise discretionary powers in

directing and controlling program operations of an agency or division or customarily recognized subdivision thereof and personnel who are responsible for (1) hiring or firing or making substantial recommendation for same and (2) directing the work of and (3) regulating the working hours of two or more employees.

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

**EXCHANGE TIME** – Equal time off for excess hours worked by exceptions work period employees.

**EXIT LEAVE** – The paid hours of nonworking time taken by an employee who is not eligible to receive a lump sum cash payment for accrued vacation leave. Exit leave is taken following the last designated work day prior to an employee's resignation, dismissal, or separation due to reduction in force or disability and continuing until all the employee's accrued vacation leave is exhausted.

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

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

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

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

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

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

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

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

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

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

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

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

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

**PERIODIC INCREMENT DATE** – The date established in accordance with the merit system rule on which an employee is entitled to a salary increase within a salary schedule range as prescribed in the merit system rules.

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

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

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

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

**PROBATIONARY PERIOD** – The trial period of employment following certification and appointment to, or reemployment in, the classified service and continuing for 6 to 12 months as determined under the provisions of WAC 356-30-260.

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

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

**PROMOTION** – A change of an employee from a position in one class to a position in a class having a higher maximum salary.

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

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

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

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

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

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

**RESIGNATION** – A voluntary separation from employment.

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

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

**SCHEDULING PLAN** – A series of schedules, approved for specific positions by the director of personnel or the personnel board, through which schedules the incumbents move in an established pattern.

**SEASONAL CAREER EMPLOYEES** – Incumbents who have been appointed into seasonal career positions or employees who have repeatedly returned to state employment in the same agency in a work pattern defined as seasonal career employment.

**SEASONAL CAREER EMPLOYMENT** – Two work patterns are included: (1) Work in positions, not intermittent in nature nor exempted by statutes or the provisions of WAC 356-06-020, which is cyclic in nature and beginning at approximately the same time each year lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period; and (2) work patterns in positions as in (1) above but lasting for only a minimum of three months each season and for the past three consecutive seasons in the same agency.

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

under the jurisdiction of the higher education personnel board will be added when the employee comes under the jurisdiction of the state personnel board through the provisions of WAC 356-06-055(6). The length of active military service of a veteran, not to exceed five years, shall be added to the state service for such veteran or his widow.

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

**SUPERVISOR** – Any employee assigned responsibility by management to participate in all the following functions with respect to their subordinate employees: (1) Selection of staff, (2) training and development, (3) planning and assignment of work, (4) evaluation of performance, and (5) corrective action. Participation in these functions must not be of a merely routine nature but requires the exercise of individual judgment.

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

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

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

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

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

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

**TRIAL SERVICE PERIOD** – A six-month trial period of employment of a permanent employee beginning with the effective date of the (~~promotion or demotion or~~) appointment from the (promotional) promotion or demotion register provided the employee has not previously held permanent status in the class.

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

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

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

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

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

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

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

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

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

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

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

**WORKSHIFT** – Scheduled working hours within the workday.

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

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

**AMENDATORY SECTION** (Amending Order 36, filed 7/1/71, effective 8/1/71)

**WAC 356-06-050 EXEMPT SERVICE.** The exempt service includes only the positions and agencies, officers and employees listed in WAC 356-06-020 who do not have appeal rights to a personnel board when demoted or separated by dismissal or reduction-in-force. Appointments to any exempt position in branches, departments, or agencies not exempted by statute shall be reported by the director of personnel to the personnel board and shall include such information as may be required to ascertain that the position is properly included in the exempt service. The director of personnel may at any time study the duties of a position in this service to determine the propriety of its continued inclusion in this service.

**AMENDATORY SECTION** (Amending Order 183, filed 4/15/83)

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

(i) Termination of employment in such exempt position, or  
(ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.

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

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

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

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

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

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

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

(4) An employee's continuation in a position that has been exempted shall constitute the acceptance of an exempt appointment. The employee who accepts an appointment in this manner shall have the right of return as specified in subsection (1) of this section.

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

~~(6) ((Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the right by WAC 356-06-020, and have been or are going to be separated because of reduction in force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:~~

~~(a) The employees are qualified as determined by the director of personnel, or designee; and~~

~~(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction in force registers, or transferred, or promoted into vacancies; and~~

~~(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction in force action; and~~

~~(d) The employees are being offered the opportunity according to the department of personnel procedure established for that purpose.~~

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

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

(a) Meet the minimum qualifications;

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

(7) Classified employees under the jurisdiction of the higher education personnel board who are otherwise exempt from the provisions of WAC 356-06-020, and have been or are going to be separated because of reduction-in-force action shall be certified to any vacant classified positions under the jurisdiction of the state personnel board provided:

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

(b) No other employees under the jurisdiction of the state personnel board are eligible to be certified from the reduction-in-force registers, or transferred, or promoted into vacancies; and

(c) The employees have greater seniority than other such qualified employees under the jurisdiction of the higher education personnel board involved in reduction-in-force action; and

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

(8) Permanent classified employees of the higher education personnel board may promote, transfer, or voluntarily demote to positions under the jurisdiction of the state personnel board as provided in chapter 356-49 WAC.

**AMENDATORY SECTION** (Amending Order 179, filed 12/22/82)

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

(a) Composition.

(i) The agency reduction in force register will consist of classes and the names of all employees who hold or have held permanent status in those classes and: (A) Have been notified they are scheduled for reduction in force; or (B) held permanent status prior to separation due to a reduction in force; or (C) who have accepted a voluntary demotion in a class in lieu of a reduction in force; or (D) were in a trial service period with another department and separated due to reduction in force; or (E) employees requesting to be placed on this register for

classes held immediately prior to the position being reallocated downward; or (F) who were separated due to disability within the last year as provided in WAC 356-35-010 and who have submitted to the director of personnel a current physician's statement that they are physically able to perform the duties of the class for which the register is established.

(ii) The employee's name shall appear for all classifications for which he/she is not disabled in which he/she held permanent status since the employee's last separation other than a reduction in force, or in which he/she served more than six months on a position which would have meant permanent status had it been under the jurisdiction of the state personnel board at the time.

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(ii) Employee's names shall not appear for classes at or below the range level of a class in which the employees are serving on a permanent fulltime basis, except when the employees have accepted options beyond a reasonable commuting distance in lieu of separation due to reduction in force. In the excepted cases, the employees' names may appear for classes at the same or lower range levels when the availability would return the employees back to their previous work locations.

(2) Service-wide reduction in force.

(a) Composition.

(i) This register will consist of the same names as the agency reduction in force register, except for those requesting to be on the agency reduction in force register following a reallocation downward.

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(3) Dual-agency reversion.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(4) Agency promotional.

(a) Composition.

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

register is established and they have received a passing final grade as required for other promotional applicants.

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

(i) An employee may convert any current open competitive rating to this register after six months.

(5) Service-wide reversion.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(6) Transfer.

(a) Composition.

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

(b) Method of ranking.

(i) This register will be unranked.

(c) Life of register.

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

(d) Special provisions.

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

(7) Voluntary demotion.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.

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

(d) Special provisions.

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

(8) Service-wide promotional.

(a) Composition.

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

(b) Method of ranking.

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

(c) Life of register.



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

(d) Special provisions.

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

(9) Reemployment.

(a) Composition.

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

(b) Method of ranking.

(i) This register shall be unranked.

(c) Life of register.

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

(d) Special provisions.

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

(10) Inter-system employment.

(a) Composition. This register shall contain the names of permanent classified employees under the jurisdiction of the higher education personnel board who have submitted an application and who have passed the required examination.

(b) Method of ranking. This register shall be ranked according to final score from the highest to the lowest.

(c) Life of register. An eligible's name will normally remain on this register for one year.

(d) Special provisions. Employees appointed from this register will serve a six month trial service period.

(11) Open competitive.

(a) Composition.

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

(b) Method of ranking.

(i) This register shall be ranked by the final score.

(c) Life of register.

(i) An eligible's name will normally remain on this register for one year unless changed by the director of personnel.

(d) Special provisions.

(i) Persons on this register will indicate the geographic areas for which they are available.

#### AMENDATORY SECTION (Amending Order 183, filed 4/15/83)

WAC 356-26-070 CERTIFICATION—REGISTERS—ORDER OF RANK—EXCEPTION. The director of personnel will normally certify names from the registers in the following order:

- (1) Agency reduction in force register.
- (2) Service-wide reduction in force register.
- (3) Dual-agency reversion register.
- (4) Agency promotional register.
- (5) Service-wide reversion register.
- (6) Transfer register.
- (7) Voluntary demotion register.
- (8) Service-wide promotional register.
- (9) Reemployment unranked register.
- (10) Inter-system employment register.
- (11) Open competitive register.

However, if the director of personnel and appointing authority establish that it is in the best interest of the state to broaden the competition, agencies may request the director of personnel to certify names combined from registers (4), (8), ~~((and))~~ (10), and (11) provided:

(a) That the written request to the director shall be evidence of assurance that:

(i) Such a request will not harmfully affect utilization of protected group members who are applicants for this class.

(ii) If the position is within a collective bargaining unit, the exclusive representative will be provided copy of the request.

(iii) That the request is in the best interest of the state and not solely intended to circumvent the policy of promotion from within the state as provided in WAC 356-30-150.

(b) Request for combined registers must be made on a position-by-position or a class basis and prior to recruitment.

#### AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-30-230 DEMOTION—VOLUNTARY. (1) A permanent employee, or an employee separated within the last year by reduction in force, or an employee who has been notified that he is scheduled for reduction in force may voluntarily take a position, which is by definition a demotion, when the position is in a class which is the same as or a related class for which the person qualified, as determined by the director. When such voluntary demotions are granted as an option to fill vacancies, they shall be done according to seniority and offered first, within the employee's layoff unit, then within the department, and then service-wide. No further examination will be required. The employee will not serve a trial service period.

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

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

#### AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-30-305 TRIAL SERVICE PERIOD—PROVISION. (1) Employees ~~((who are promoted, demoted, or who are))~~ appointed from a promotional register, the inter-system employment register, or from a voluntary demotion register to a class not previously held, shall serve a trial service period of six months. The trial service period will provide the appointing authority with the opportunity to observe the employee's work and to train and aid the employee in adjustment to the position, and to revert such an employee whose work performance fails to meet required standards. Reversions shall be under the provisions of WAC 356-30-320.

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

#### AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-30-320 TRIAL SERVICE—REVERSION—STAT-  
US. (1) An employee who was ~~((either promoted, demoted, or))~~ appointed from a promotional register or from a voluntary demotion register to a class not previously held within an agency and fails to satisfactorily complete the trial service period shall automatically revert to a position in the former classification.

(2) An employee who was ~~((promoted, demoted, or))~~ appointed from a promotional register or from a voluntary demotion register to a class not previously held into another agency and who fails to satisfactorily complete the trial service period shall be given 15 calendar days' written notice and placed on the dual-agency reversion register and the service-wide reversion register for his or her former class. Employees who are reverted do not have the right of appeal. If an employee elects not to accept the first offer of employment, his/her name is then placed on the reemployment register.

(3) Former permanent employees who have promoted, demoted, or transferred to a position under the jurisdiction of the higher education personnel board in accordance with provisions of their rules and fail to complete their trial service period may be placed on the dual-agency reversion register and service-wide reversion register for his/her former class.

(4) Employees who are reemployed from the service-wide reversion registers shall enter a trial service period. Names of employees reverted during this period will be placed on the register from which they came.

~~((+))~~ (5) Employees who voluntarily revert to their former class may request of the director of personnel reactivation of their promotional score for the class from which reverted. Employees involuntarily

reverted to their former class shall have all examination grades for the class from which they are reverted nullified.

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

WAC 356-46-130 STATE HOUSING COMMITTEE—RESPONSIBILITIES. (1) To assist the personnel board in determining policy and establishing rental and utility charges and allowances for employees residing in ~~((agency-supplied))~~ housing designated by agencies for employees and not available for rent on the open market, there is hereby created a state housing committee consisting of:

- (a) A chairperson appointed by the director of personnel and from the staff of the department of personnel.
- (b) A representative from:
  - (i) Department of social and health services
  - (ii) Department of transportation
  - (iii) Department of natural resources
  - (iv) Department of fisheries
  - (v) Department of game
  - (vi) Parks and recreation commission
  - (vii) Department of veterans affairs
  - (viii) Department of corrections, and
  - (ix) Any employee organization representing affected employees of the above listed agencies.

Each agency shall appoint as its representative an employee who has knowledge of on-site housing conditions.

(2) It shall be the responsibility of the committee to:

- (a) Establish procedures for
  - (i) Conducting committee business on a scheduled basis,
  - (ii) Reviewing problems concerning rent, utilities, and housing maintenance, and
  - (iii) Facilitating communications between affected agencies and employees; and
- (b) Recommend to the personnel board for approval guidelines for determining rental rates, utility rates, and other incidences of agency-supplied housing.

(3) Any agency supplying housing designated by agencies for employees and not available for rent on the open market shall determine the rental and utility rates to charge ~~((employees))~~ according to the guidelines and the findings approved by the personnel board.

(4) Within thirty days of the determination of such charges as rental or utility rates, the affected employee may request in writing a hearing before the committee to challenge the determination. If the challenge cannot be satisfactorily resolved by the committee, then either the affected agency or the employee may appeal to the personnel board for a decision which shall be final and binding upon all parties.

(5) All public meetings of the committee shall be held in compliance with the Open Public Meetings Act.

**NEW SECTION**

WAC 356-49-010 INTER-SYSTEM EMPLOYMENT—PURPOSE. The general purpose of this chapter is to permit permanent classified employees of the higher education personnel board to promote, transfer, or voluntarily demote to permanent classified positions under the jurisdiction of the state personnel board.

**NEW SECTION**

WAC 356-49-020 APPLICATION OF RULES. Insofar as they do not conflict with the provisions of chapter 356-49 WAC, upon movement into the classified service under the jurisdiction of the state personnel board, the remainder of the merit system rules will apply.

**NEW SECTION**

WAC 356-49-030 ELIGIBILITY—HIGHER EDUCATION PERSONNEL BOARD PERMANENT CLASSIFIED EMPLOYEE—DEFINITION. An employee who is currently employed and who has successfully completed a probationary period at an institution governed by the higher education personnel board.

**NEW SECTION**

WAC 356-49-040 INTER-SYSTEM MOVEMENT BETWEEN HIGHER EDUCATION PERSONNEL BOARD/STATE PERSONNEL BOARD JURISDICTION. Permanent classified employees desiring to promote, transfer, or voluntarily demote to state personnel board classified positions must:

- (1) Submit a Washington state application for employment in accordance with a current examination announcement.
- (2) Successfully complete the designated examination.
- (3) Have their name placed on the appropriate register as provided in WAC 356-26-070.
- (4) Be certified to vacancy(ies) as provided in WAC 356-26-070.
- (5) Serve a trial service period of six months. If the trial service period is not satisfactorily completed, the employee shall be placed on the institution-wide layoff list at the institution/related board from which he/she came.
- (6) Be unable to bump if laid off during such trial service period even though layoff seniority will move with employees to the new position.
- (7) Retain annual and sick leave balances and accrual rates as if no movement had occurred.
- (8) Retain their former periodic increment date except upon promotion as provided by WAC 356-14-120.

**WSR 84-06-050**

**PROPOSED RULES**

**DEPARTMENT OF TRANSPORTATION**

**(Transportation Commission)**

[Filed March 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, 47.60.326 and 47.56.030, that the Washington State Transportation Commission intends to adopt, amend, or repeal rules concerning the adoption of a revised schedule of tolls for the Washington state ferry system;

that the agency will at 10:00 a.m., Thursday, April 19, 1984, in Room 1D2, Transportation Building, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 19, 1984.

The authority under which these rules are proposed is RCW 47.56.030 and 47.60.326.

The specific statute these rules are intended to implement is RCW 47.60.326.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 19, 1984.

Dated: March 6, 1984

By: Lue Clarkson  
Administrator

**STATEMENT OF PURPOSE**

Title: The adoption of a revised schedule of tolls for the Washington state ferry system.

Statutory Authority: RCW 47.60.326.

Summary of Rule: To revise the fare schedule on the state ferry system to meet the changing economic factors, including costs of inflation and higher operational costs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don L. Sorte, Assistant Secretary for Marine Transportation.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Washington State Transportation Commission, governmental.

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.

does not affect more than 10% of one industry or 20% of all industry.

Small Business Economic Impact Statement: The department has considered this rule and determined that it

AMENDATORY SECTION (Amending Order 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-010 FERRY PASSENGER TOLLS.

ROUTES	Full Fare One Way	Half Fare** One Way	COM-MU-TATION 20 Rides *****	PASSENGER SCHOOL COM-MU-TATION **** 20 Rides Ages 12-20 5-11		
Fauntleroy-Southworth	(( <del>1.45</del> 1.55)	.75 .80	17.40 18.60	14.50 15.50		
Seattle-Bremerton					7.25)) 7.75	
Seattle-Winslow						
Pt. Townsend-Keystone	(( <del>1.80</del> 1.90)	.90 1.00	10.80 11.40	9.00 9.50		
Edmonds-Kingston					4.50)) 4.75	
Fauntleroy-Vashon						
Southworth-Vashon						
Pt. Defiance-Tahlequah						
Mukilteo-Clinton	(( <del>.90</del> .95)	.45 .50	10.80 11.40	9.00 9.50		
((Lofall-Southpoint))					4.50)) 4.75	
Anacortes to Lopez	(( <del>1.75</del> <del>1.95</del> 4.20 <del>2.20</del> )	.90 1.00 2.10 1.10	21.00 23.40 25.20 26.40	17.50 19.50 21.00 22.00		
Shaw, Orcas					8.75)) 9.75)) 10.50 11.00))	
or Friday Harbor						
((Sidney))						
Anacortes to Sidney and Sidney to all Destinations	(( <del>5.25</del> ) 5.50)	(( <del>2.65</del> ) 2.75)	N/A	N/A		
((Friday Harbor to Lopez, Shaw or Orcas	1.45	.75	17.40	14.50		
Between Lopez, Shaw, ((or)) Orcas***** and Friday Harbor	(( <del>.90</del> N/C)	.45 N/C	10.80 N/C	9.00 N/C		
((Sidney to Lopez	3.80	1.90				
From Lopez, Shaw, Orcas and Friday Harbor to Sidney	2.00	1.00	N/A	N/A		
((Shaw or Orcas Friday Harbor	3.50 3.35	1.75 1.70	N/A	N/A		

\*These routes operate on one-way only toll collection system.

\*\*Half Fare

Senior Citizens - Passengers and driver, age 65 and over, with proper identification establishing proof of age, may travel at half-fare tolls on any route.

NOTE: Half-fare privilege does not include vehicle.

Children - Children under five years of age will be carried free when accompanied by parent or guardian. Children five through eleven years of age will be charged half-fare. Children twelve years of age will be charged full-fare.

Handicapped - Any individual who, by reason of illness, injury, congenital malfunction, or other incapacity or disability is unable without special facilities or special planning or design to utilize Ferry System services, may travel at half-fare tolls on any route upon presentation of a WSF Handicapped Travel Permit at time of travel. In addition, those handicapped persons who require attendant care while traveling on the ferries, and are so certified by their physician, may obtain an endorsement on their WSF Handicapped Travel Permit and such endorsement shall allow the attendant to also travel at half fare.

NOTE: Half-fare privilege does not include vehicle.

\*\*\*School Commutation Tickets - Tickets are for the exclusive use of bona fide students under twenty-one years of age attending grade, junior high, and high schools. Student shall be required to present credentials at time of purchase. A letter indicating school attendance signed by school principal or authorized representative shall be considered proper credentials. Tickets are valid for transportation on school days only.

\*\*\*\*A combination Ferry/Bus Public Transit Passenger Monthly Reusable Ticket Rate may be available for a particular route in conjunction with a public transit operating authority whenever it is determined by the Transportation Commission that said ticket is a necessary element of a Transit Operating Plan designed to eliminate the necessity for assigning an additional ferry to such particular route; and that the resulting savings in Ferry System operating and amortized capital costs exceed the total revenue lost as a result of this reduced rate as projected during the period of time during which such transit operating plan is projected to eliminate the need for an additional ferry. The equivalent ferry fare per ride with this special rate shall be one-half the equivalent fare per ride with the standard commutation book, and shall assume 40 one-way trips per month. The total cost of the ticket shall be the cost of the ferry portion, calculated as described above plus the cost of the bus portion as determined by the Public Transit Operating Authority, subject to the approval of

the Secretary of Transportation. The ticket shall be valid only for passengers on board a bus; or for walk-on passengers, on weekdays only, on those routes which have connecting bus service as part of the Transit Operating Plan. The assigning of an additional ferry to such particular route may be cause for removal of the special rate. If the conditions of eliminating the assignment of an additional ferry or realizing sufficient resulting savings cannot be met, the ticket may be sold for any route authorized by the Secretary of Transportation, at the full ferry commutation fare per ride based on forty one-way trips per month plus the cost of the bus portion.

\*\*\*\*\*On the Fauntleroy-Vashon route, a combination Ferry/Bus Public Transit Monthly Reuseable Ticket Rate shall apply.

\*\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage ((or-for-refunds)). Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*\*Inter-island passenger fares included in Anacortes tolls

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-020 AUTO, MOTORCYCLE AND BICYCLE FERRY TOLLS.

	AUTO** INCL. DRIVER		MOTORCYCLE INCL. DRIVER			BICYCLE & RIDER	
	One Way	Commutation 20 Rides ***	One Way	Commutation 20 Rides ***	Full Fare One Way	Half Fare One Way	Commutation 20 Rides ***
Fauntleroy-Southworth							
Seattle-Bremerton							
Seattle-Winslow							
Pt. Townsend-Keystone	<del>((4.80))</del> 5.05	<del>76.80)</del> 80.80	<del>2.60)</del> 2.75	<del>34.65)</del> 36.65	<del>2.00)</del> 2.10	<del>1.30)</del> 1.35	<del>20.00)</del> 21.00
Edmonds-Kingston							
Fauntleroy-Vashon							
Southworth-Vashon	<del>((6.50))</del> 6.80	<del>52.00)</del> 54.40	<del>3.50)</del> 3.70	<del>23.35)</del> 24.65	<del>2.80)</del> 2.90	<del>1.90)</del> 2.00	<del>14.00)</del> 14.50
Pt. Defiance-Tahlequah							
Mukilteo-Clinton	<del>((3.25))</del> 3.40	<del>52.00)</del> 54.40	<del>1.75)</del> 1.85	<del>23.35)</del> 24.65	<del>1.40)</del> 1.45	<del>.95)</del> 1.00	<del>14.00)</del> 14.50
((Lofall-Southpoint))							
		10 Rides					
Anacortes to Lopez	<del>((5.25))</del> 10.65	<del>42.00)</del> 42.60	<del>3.10)</del> 6.50	<del>41.35)</del> 43.35	<del>2.40)</del> 2.70	<del>1.55)</del> 1.75	<del>24.00)</del> 27.00
Shaw, Orcas	<del>((5.95))</del> 12.60	<del>47.60)</del> 50.40	<del>3.55)</del> 7.45	<del>47.35)</del> 49.65	<del>2.70)</del> 5.70	<del>1.75)</del> 3.60	<del>27.00)</del> 28.50
or Friday Harbor	<del>((6.80))</del> 14.40	<del>54.40)</del> 57.60	<del>4.10)</del> 8.65	<del>54.65)</del> 57.65	<del>3.10)</del> 3.10	<del>2.00)</del> 2.00	<del>31.00)</del> 31.00
((Sidney))							
Anacortes to Sidney	<del>((22.60))</del> 23.80	N/A	<del>((11.35))</del> 11.95	N/A	<del>((7.40))</del> 7.80	<del>((4.80))</del> 5.05	N/A
and Sidney to all Destinations							
((Friday Harbor to Lopez, Shaw or Orcas	<del>4.25)</del>	<del>34.00)</del>	<del>2.60)</del>	<del>34.65)</del>	<del>2.00)</del>	<del>1.30)</del>	<del>20.00)</del>
Between Lopez, Shaw, ((or)) Orcas and Friday Harbor ****	<del>((2.90))</del> 6.00	<del>23.20)</del> 24.00	<del>1.75)</del> 2.00	<del>23.35)</del> N/A	<del>1.40)</del> 2.00	<del>.95)</del> 2.00	<del>14.00)</del> N/A
((Sidney to)) From Lopez, Shaw ((or)), Orcas	<del>((17.90))</del> <del>((17.30))</del>	N/A	<del>8.55)</del> <del>((8.15))</del>	N/A	<del>5.25)</del> <del>((5.00))</del>	<del>3.35)</del> <del>3.25)</del>	N/A
and Friday Harbor to Sidney	<del>12.00)</del> <del>16.55)</del>		<del>5.15)</del> <del>7.65)</del>		<del>3.00)</del> <del>4.76)</del>	<del>2.00)</del> <del>5.05)</del>	

\*These routes operate on one-way only toll collection system.

\*\*Vanpools - A commuter vanpool which carries seven or more persons on a regular and expense-sharing basis for the purpose of travel to or from work or school and which is certified as such by a local organization approved by the Washington State Ferry System, may purchase for a \$10 fee, a permit valid for a three-month period on Mondays through Fridays only and valid only during the hours shown on the permit. The permit for commuter pool agency vanpools shall be valid for one year. These hours are selectable by the purchaser but shall designate two periods of use each day not to exceed two hours per period. The permit so purchased shall allow passage of the vehicle only during the valid periods. All riders in the van, including the driver, shall pay the applicable passenger fare. Except that the minimum total paid for all riders in the van shall not be less than the amount equal to seven times the applicable passenger fare.

\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the ticket shall not be accepted for passage ((or-for-refunds)). Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*Tolls collected westbound only

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

Overhang on passenger vehicles will be assessed a penalty charge of 10¢ per lineal foot of overhang in addition to regular applicable tolls, except that no charge for overhang will be assessed when overall length of vehicle and overhang is less than twenty feet. A fraction of a foot of overhang in excess of six inches will be counted as one foot in assessment of charge for overhang.

SPECIAL SCHOOL RATE

School groups when traveling in authorized school vehicles for institution-sponsored activities shall be assessed a flat fee of \$1.00 per vehicles load of students and/or advisors and staff. The flat fee shall be in addition to regular vehicle and drive toll. Private vehicles need letter of authorization.

NOTE: Special School Rate is \$2.00 on routes where one-way only toll systems are in effect. Special Student Rate not available on Anacortes-Sidney, B.C. route beginning the third Sunday in June and ending the third Saturday in September due to limited space.

PROMOTIONAL TOLLS

A promotional rate may be established at the discretion of the secretary of transportation for a specified discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-030 OVERSIZED VEHICLE, STAGE AND BUS, NEWSPAPER, EXPRESS SHIPMENT AND MEDICAL SUPPLIES FERRY TOLLS.

ROUTES	OVERSIZED VEHICLES** 18' TO UNDER 28' LONG		OVERSIZED VEHICLES** 28' OR LONGER		STAGES AND BUSES INCL. DRIVER***	
	One Way	Commutation 20 Rides *****	One Way	Commutation 20 Rides *****	One Way	Each Pass
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>(7.20)</del> 7.55	<del>115.20</del> 120.80	<del>9.75</del> 10.25	<del>156.00</del> 164.00	<del>10.60</del> 11.15	<del>.75)</del> .80
Edmonds-Kingston Pt. Townsend-Keystone						
Fauntleroy-Vashon Southworth-Vashon	<del>(9.90)</del> 10.40	<del>79.20</del> 83.20	<del>13.70</del> 14.40	<del>109.60</del> 115.20	<del>13.60</del> 14.30	<del>1.00)</del> 1.10
Pt. Defiance-Tahlequah						
Mukilteo-Clinton <del>((Lofall-Southpoint))</del>	<del>(4.95)</del> 5.20	<del>79.20</del> 83.20	<del>6.85</del> 7.20	<del>109.60</del> 115.20	<del>6.80</del> 7.15	<del>.50)</del> .55
Anacortes to Lopez, Shaw, Orcas or Friday Harbor <del>((Sidney))</del>	10 Rides <del>(8.85)</del> 18.60	<del>70.80</del> 74.40	<del>11.70</del> 24.60	<del>93.60</del> 98.40	<del>14.45</del> 30.40	<del>((.90))</del> 2.10 <del>((7.70))</del>
Anacortes to Sidney and Sidney to all Destinations		N/A	<del>((33.65))</del> 35.40	N/A	<del>((42.10))</del> 44.30	<del>((2.65))</del> 2.75
<del>((Friday Harbor to Lopez, Shaw or Orcas Between Lopez, Shaw ((or)), Orcas and Friday Harbor *****</del>	<del>6.15</del> <del>((4.35))</del> 10.00	<del>49.20</del> N/A	<del>7.90</del> 5.85 10.00	<del>63.20</del> 46.80 N/A	<del>10.60</del> 6.80 10.00	<del>.75)</del> <del>.50)</del> N/C
<del>((Sidney to)) From Lopez, Shaw, Orcas ((or)), and Friday Harbor to Sidney</del>	<del>((22.15))</del> 15.80	N/A	<del>((26.75))</del> 19.80	N/A	<del>((29.35))</del> 13.50	<del>((1.90))</del> 1.75) 1.00 <del>((7.70))</del>

(1) BULK NEWSPAPERS per 100 lbs. \$2.00

(Shipments exceeding 60,000 lbs. in any month shall be assessed .95¢ per 100 lbs.)  
Daily Newspapers, in bundles, and medical supplies, to be received and delivered without receipt and subject to owner's risk, will be transported between ferry terminals on regular scheduled sailings.

(2) EXPRESS SHIPMENTS per 100 lbs. \$19.00

(Shipments exceeding 100 lbs. assessed \$7.50 for each 25 lbs. or fraction thereof.)  
Express shipments will be handled on scheduled sailings when no other means of shipment is available to shipper. Shipments must be of a size and weight requiring a minimum of handling by carrier's employees. Carrier reserves the right to refuse shipment of any item. Carrier assumes no liability for loss or damage to any shipment. Minimum rate for any shipment shall be the rate for 100 pounds.

San Juan Inter-Island express shipments will be handled @ \$2.55 per 100 lbs.

(3) MEDICAL SUPPLIES per 100 lbs. \$1.00

(Medical supplies exceeding 100 lbs. shall be assessed express shipment rates.)

\*These routes operate on one-way only toll collection system.

\*\*Includes Motor Homes, and Mobile Campers that exceed eight feet in height and 18' in length. Excludes trucks licensed over 8,000 lbs., passenger busses and stages. All oversize vehicles under 18' in length will be considered as regular car and driver.

\*\*\*Stages - A public transportation operator providing regularly scheduled week-day service for public necessity and convenience may pay a \$10 annual fee for each scheduled vehicle. This fee covers the fare for each trip of the vehicle and operator only. All occupants shall be assessed the applicable passenger rate per trip. The \$10 annual fee does not apply to vehicles providing chartered service or vehicles providing service for special events such as trips for recreational purposes.

- For vanpool fares, see WAC 468-300-020 under Auto.

\*\*\*\*Half fare.

\*\*\*\*\*Commutation tickets shall be valid only for 90-days from date of purchase after which time the tickets shall not be accepted for passage ((or for refunds)). Washington state ferries shall enter into agreements with banks to sell commutation tickets.

\*\*\*\*\*Toll collected westbound only

SUMMER SURCHARGE

A 20% surcharge shall be applied during the summer schedule period (beginning the third Sunday in June and ending the third Saturday in September) to regular, noncommutation auto and oversized vehicle rates only.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

PROMOTIONAL DISCOUNTS

A promotional rate may be established at the discretion of the secretary of transportation for a specific discount (not to exceed 50 percent of full fare) and effective only at designated times on designated routes (not to exceed 100 days per year on any one route).

AMENDATORY SECTION (Amending Order 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-040 TRUCKS AND TRUCKS WITH TRAILER FERRY TOLLS.

ROUTES	INCL. DRIVER OVERALL UNIT LENGTH								Cost Per Ft. over 78 Ft.
	Class I *** Under 18'	Class II 18' to Under 28'	Class III 28' to Under 38' ****	Class IV 38' to Under 48'	Class V 48' to Under 58'	Class VI 58' to Under 68'	Class VII 68' to Under 78'	Class VIII Over 78'	
Fauntleroy-Southworth Seattle-Bremerton Seattle-Winslow	<del>(4.80)</del> 5.05	<del>8.15</del> 8.55	<del>16.15</del> 17.00	<del>24.15</del> 25.40	<del>32.15</del> 33.82	<del>40.15</del> 42.25	<del>48.15</del> 50.65	<del>48.15</del> 50.65	<del>.65)</del> .70
Pt. Townsend-Keystone Edmonds-Kingston									
Fauntleroy-Vashon Southworth-Vashon	<del>(6.50)</del> 6.80	<del>11.40</del> 12.00	<del>22.60</del> 23.80	<del>33.80</del> 35.60	<del>45.00</del> 47.30	<del>56.20</del> 59.10	<del>67.40</del> 70.90	<del>67.40)</del> 70.90	.90
Pt. Defiance-Tahlequah									
Mukilteo-Clinton (Lofall-Southpoint)	<del>(3.25)</del> 3.40	<del>5.70</del> 6.00	<del>11.30</del> 11.90	<del>16.90</del> 17.80	<del>22.50</del> 23.65	<del>28.10</del> 29.55	<del>33.70</del> 35.45	<del>33.70)</del> 35.45	.45
**Anacortes to Lopez	<del>(5.25)</del> 10.65								
Shaw, Orcas or Friday Harbor	<del>(5.95)</del> 12.60 <del>(6.80)</del> 14.40	<del>9.75</del> 20.50	<del>19.35</del> 40.70	<del>28.95</del> 60.90	<del>38.55</del> 81.10	<del>48.15</del> 101.30	<del>57.75</del> 121.50	<del>57.75)</del> 121.50	<del>.80)</del> 1.70
((Sidney)) Anacortes to Sidney	<del>(22.60)</del> 23.80	<del>29.60</del> 31.15	<del>50.00</del> 52.60	<del>70.40</del> 74.10	<del>90.80</del> 95.50	<del>111.20</del> 117.00	<del>131.60</del> 138.45	<del>131.60)</del> 138.45	<del>1.80)</del> 1.90
**and Sidney to all Destinations									
((**Friday Harbor to Lopez, Shaw or Orcas	<del>4.25)</del> 4.25	<del>6.65)</del> 6.65	<del>13.05)</del> 13.05	<del>19.45)</del> 19.45	<del>25.85)</del> 25.85	<del>32.25)</del> 32.25	<del>38.65)</del> 38.65	<del>38.65)</del> 38.65	<del>.55)</del> .55
**Between Lopez, Shaw ((or), Orcas and Friday Harbor	<del>(2.90)</del> 6.00	<del>4.90)</del> 10.00	<del>9.70)</del> 10.00	<del>14.50)</del> 10.00	<del>19.30)</del> 40.00	<del>24.10)</del> 40.00	<del>28.90)</del> 40.00	<del>28.90)</del> 40.00	<del>.40)</del> N/A
**((Sidney-to)) From Lopez, Shaw ((or), Orcas and Friday Harbor to Sidney	<del>(17.90)</del> <del>(17.30)</del> 12.00 <del>(17.55)</del>	<del>23.50)</del> 17.40	<del>39.70)</del> 29.40	<del>55.90)</del> 41.40	<del>72.10)</del> 53.40	<del>88.30)</del> 65.40	<del>104.50)</del> 77.40	<del>104.50)</del> 77.40	<del>1.45)</del> 1.05

\*These routes operate on one-way only toll collection system.

\*\*Commercial trucks are allowed stop-over at intermediate points upon payment of \$2.50 per stop-over.

\*\*\*Includes all trucks licensed 8,001 lbs. gross vehicle weight and above, except busses. Trucks under 8,001 lbs. will be classified as automobiles.

Also includes all trucks licensed 8,001 lbs. gross vehicle weight and above pulling trailers, unlicensed vehicles and road machinery on wheels. Vehicles not included in this class cannot be charged under this class.

\*\*\*\*UNITED STATES GOVERNMENT SPECIAL RATE - Special rates are available to the United States Government through advance, bulk ticket purchase at the general offices of Washington State Ferries. The per unit price is the same as the 28' to under 38', class III rate.

\*\*\*\*\*Toll collected westbound only

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

DISCOUNT PERCENTAGES FROM REGULAR TOLL

12 or more, one-way crossings within any consecutive six day period..... 25%

Emergency trips during nonservice hours - while at locations where crew is on duty charge shall be equal to the cost of fuel consumed to make emergency trip. Such trips shall only be offered as a result of official requests from an emergency services agency and only in the case of no reasonable alternative.

AMENDATORY SECTION (Amending Order 33, Resolution No. 175, filed 3/22/83)

WAC 468-300-070 VEHICLE WITH TRAILER FERRY TOLLS.

	Vehicle with Trailer Ferry Tolls***				
	Under 18'	18' To Under 28'	28' To Under 38'	38' To Under 48'	48' And Over
Seattle-Winslow	}	7.20	9.75	13.75	17.75
Seattle-Bremerton					
Edmonds-Kingston					
	<del>(4.80)</del>				
Pt. Townsend-Keystone	}	7.55	10.25	14.45	18.65
Fauntleroy-Southworth					
	<del>5.05</del>				
*Fauntleroy-Vashon	}	9.90	13.70	19.30	24.90
*Southworth-Vashon					
	<del>(6.50)</del>				
*Pt. Defiance-	}	10.40	14.40	20.30	26.20
Tahlequah					
	<del>6.80</del>				
Mukilteo-Clinton	}	4.95	6.85	9.65	12.45
	<del>(3.25)</del>				
((Lofall-South Point))		5.20	7.20	10.15	13.10
	<del>3.40</del>				
Anacortes to Lopez	}	8.85	11.70	16.50	21.30
Shaw, Orcas *					
	<del>(5.25)</del>				
or Friday Harbor	}	18.60	24.60	34.70	44.80
	<del>10.65</del>				
	<del>(7.88)</del>				
	<del>14.40</del>				
((Sidney))		28.70	33.65	43.85	54.05
	<del>(22.60)</del>				
	<del>23.80</del>				
Anacortes to Sidney and Sidney to all Destinations		30.20	35.40	46.15	56.85
	<del>23.80</del>				
((Friday Harbor to Lopez Shaw, or Orcas		6.15	7.90	11.10	14.30
	<del>4.25</del>				
Between Lopez, Shaw ((and)), Orcas **** and Friday Harbor	}	10.00	10.00	10.00	40.00
((Sidney to))					
	<del>(2.90)</del>				
From Lopez,	}	22.15	26.75	34.85	42.95
Shaw ((or)), Orcas					
	<del>(17.90)</del>				
and Friday Harbor to Sidney	}	15.80	19.80	25.80	31.80
	<del>(17.30)</del>				
	<del>(16.55)</del>				

\*These routes operate on one-way only toll collection system.

PENALTY CHARGES

Owner of vehicle without driver will be assessed a \$50.00 penalty charge.

\*\*\*INCLUDES THE FOLLOWING VEHICLES PULLING TRAILERS:

- Automobiles
- Trucks licensed under 8,001 lbs. (For trucks 8,001 lbs. and over, see WAC 468-300-020)
- Oversize vehicles
- Does not include motorcycles with trailers.

\*\*\*\*Toll collected westbound only

Senior Citizen Discounts for the driver of the above vehicles shall apply.

Senior Citizen Discount is determined by subtracting full fare passenger rate and adding 1/2 passenger fare.

**WSR 84-06-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
 [Order 84-15—Filed March 6, 1984]

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 tribal test steelhead fishery should be allowed to proceed until spring chinook appear in the catch.

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 March 6, 1984.

By William R. Wilkerson  
 Director

**NEW SECTION**

**WAC 220-36-02500J CLOSED AREA—GRAYS HARBOR AND TRIBUTARIES.** *Notwithstanding the provisions of WAC 220-36-021, 220-36-022, 220-36-024 and 220-36-025, effective immediately until further notice it is unlawful for any fisherman, including treaty Indian fishermen to fish for or possess salmon taken for commercial purposes from the waters of the Grays Harbor Salmon Management and Catch Reporting Area 2A or foodfish from the waters of the Chehalis River, except that Indian fishermen possessing treaty rights under Quinault Treaty may fish in Area 2A and those waters of the Chehalis River downstream from the mouth of the Wynoochee River during the following periods and may possess foodfish for test purposes taken during these periods:*

*2:00 p.m. March 5, to 2:00 p.m. March 6,  
 8:00 a.m. March 12, to 8:00 a.m. March 13,  
 2:00 p.m. March 18, to 2:00 p.m. March 19,  
 10:00 a.m. March 26, to 10:00 a.m. March  
 27, 1984.*

**REPEALER**

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

**WAC 220-32-02500I CLOSED AREA—GRAYS HARBOR AND TRIBUTARIES.** (84-14)

**WSR 84-06-052**  
**ADOPTED RULES**  
**BOARD FOR**  
**COMMUNITY COLLEGE EDUCATION**  
 [Order 97, Resolution No. 84-7—Filed March 7, 1984]

Be it resolved by the State Board for Community College Education, acting at Olympia, Washington, that it does adopt the annexed rules relating to certification of vocational program instructors.

This action is taken pursuant to Notice No. WSR 84-03-044 filed with the code reviser on January 5, 1984. 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 28B.50.090(7)(a) 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 February 23, 1984.

By Gilbert J. Carbone  
 Assistant Director

**AMENDATORY SECTION** (Amending Order 82, Resolution 80-14, filed 9/8/80)

**WAC 131-16-093 TYPES OF VOCATIONAL EDUCATION CERTIFICATES.** For the purposes of this section, equivalency shall mean in each case that the employee shall successfully complete the objectives outlined in the improvement plan. In issuing certificates for vocational education personnel, the college district shall utilize the following nomenclature and shall meet the standards set forth:

(1) Temporary certificate.

(a) Vocational instructors shall be issued a temporary certificate provided that such individuals shall be required to complete a minimum of fifteen ((contract)) contact hours of teaching orientation or the equivalent to begin no later than the first day of employment. A temporary certificate is renewable only for part-time instructors who have not accumulated forty-five quarter credit hours, or equivalency, of teaching.

(b) Vocational counselors shall be issued a temporary certificate provided that such individuals have met the requirements set forth in WAC 131-16-091(5).

(2) One-year certificate.

(a) Instructional personnel who have completed the minimum requirements for a temporary certificate and who, in addition, provide documentation of teaching competency as demonstrated by having satisfactorily completed a minimum of three credits in courses concentrated upon the elements of teaching, or the equivalent, shall be issued a one-year certificate. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent instruction, except that in the case of part-time instructors, a one-year certificate may be continued until



the equivalent of one year of teaching (45 quarter credits) has been completed.

(b) Counselors may be issued a one-year certificate upon completion of the minimum requirements for a temporary certificate and who, in addition, have completed a minimum of three professional improvement units in accordance with the individual improvement plan. A one-year certificate may be renewed no more than once after initial issuance for each year of full-time equivalent counseling.

(3) Three-year certificate. (Optional with the local district.)

(4) Five-year certificate (initial).

(a) Instructional personnel shall be issued a five-year certificate upon completion of two years of teaching service, who have, in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, a minimum of three credits in courses concentrated upon the principles of vocational course organization or equivalent, and who have completed a minimum of three additional professional improvement units in accordance with the individual's improvement plan.

(b) Counseling personnel shall be issued a five-year certificate upon completion of two years of counseling service, who provide in addition to the one-year certificate requirements, documentation of competency as demonstrated by having satisfactorily completed a minimum of three credits in courses dealing with the techniques of occupational analysis, or equivalent, and who have completed a minimum of six additional professional improvement units in accordance with the individual's improvement plan.

(5) Five-year certificate (renewal). A five-year renewable certificate shall be issued to professional personnel who have completed a minimum of fifteen professional improvement units during the previous five-year period in accordance with the individual's improvement plan. Professional improvement plans initiated after July 1, 1980, shall, if deemed appropriate, include work experience as defined in WAC 131-16-094(1), and no more than ten professional units in any one category as defined in WAC 131-16-094 shall apply.

(6) The vocational director shall be responsible for the designation of approved course equivalents.

**WSR 84-06-053**  
**PROPOSED RULES**  
**GREEN RIVER**  
**COMMUNITY COLLEGE**  
[Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Green River Community College, Community College District No. 10, intends to adopt, amend, or repeal rules concerning refund of tuition and special course/program connected fees, chapter 132J-160 WAC;

that the institution will at 4:00 p.m., Thursday, April 19, 1984, in the Board Room, Green River Community College, 12401 S.E. 320th Street, Auburn, WA 98002, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.15.600.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 19, 1984.

Dated: March 6, 1984

By: Richard A. Rutkowski  
Interim Chief Executive Officer

#### STATEMENT OF PURPOSE

Chapter 132J-160 WAC, Refund of tuition and special course/program connected fees, is authorized by RCW 28B.15.600.

This rule implements the statutory authority contained in RCW 28B.15.600 and authorizes refunds which are permitted under the statute, given the general restraints of management of the community college.

This rule adopts policies for administering the refund of tuition and other special fees when a student withdraws from college or reduces class load. A full refund will be granted if the student has properly withdrawn prior to the first class session or first day of instruction of the quarter. One-half refund will be made on or after the first class session or first day of instruction of the quarter and on or prior to the thirtieth calendar day of the quarter or when forty percent of the course or program has elapsed, whichever is earlier in the quarter. No refund will be made after the thirtieth calendar day of the quarter or after forty percent of the course or program has elapsed. A refund processing fee is necessary due to the amount of effort expended by college personnel in administering the college's total program.

Dr. Earl T. Norman, Dean for Students, Administration Building, Room AD-2, Green River Community College, 12401 S.E. 320th Street, Auburn, Washington 98002, Telephone: (206) 833-9111, ext. 251, scan 254-1251.

This rule is promulgated pursuant to RCW 28B.15.600, as recently amended by Senate Bill No. 3531, chapter 256, Laws of 1983, July 24, 1983.

#### AMENDATORY SECTION (Amending Order 77-2, filed 7/22/77)

WAC 132J-160-010 PURPOSE. The board of trustees of Community College District No. 10 proposes the adoption of policies for administering the refund of tuition and special course/program connected ~~((fees))~~ fees when a student withdraws from ~~((school))~~ college or reduces his class load.

#### AMENDATORY SECTION (Amending Order 77-2, filed 7/22/77)

WAC 132J-160-020 DEFINITIONS. (1) "Withdraw" - when a student formally leaves ~~((school))~~ college by completing the forms and procedures established by the college.

(2) "Misconduct" - when a student has violated a college rule or policy which results in dismissal from ~~((school))~~ college.

(3) "Tuition" - fees collected by Community College District No. 10 which include the general tuition fees ~~((for state general fund))~~, operating fees ~~((for local general fund))~~ and the services and activities fees ~~((for local student activities))~~.

(4) "Special course/program connected fees" – fees other than tuition required for enrollment (i.e., equipment fees, laboratory material fees, etc.).

**AMENDATORY SECTION** (Amending Order 77-2, filed 7/22/77)

WAC 132J-160-030 SCOPE OF TUITION AND SPECIAL COURSE/PROGRAM CONNECTED FEES REFUND POLICIES. Tuition and special course/program connected fees refunds will be made for the student's reduction in class load or for a student's complete withdrawal from ~~(school)~~ college whether he or she has attended classes or not. Students will forfeit all claims to refund of tuition and special course/program connected fees when they discontinue class or classes without completion of the proper forms and procedures according to the published time schedule, discontinue class or classes because of misconduct, and when the tuition and special course/program connected fees are indicated by the board of trustees or the president in the ~~((college catalog))~~ quarterly course schedule, and/or course announcement as nonrefundable. Community service course fees are exempt from this policy.

**NEW SECTION**

WAC 132J-160-045 TUITION AND SPECIAL COURSE/PROGRAM-CONNECTED FEES WITHDRAWAL OR REDUCTION IN CLASS LOAD REFUND POLICY. Upon withdrawal from college or reduction in class load and the completion of tuition and special course/program-connected fees refund forms, the student may receive a refund under the following conditions:

- (1) A full refund of general tuition fees, operating fees, and services and activities fees will be made if the student has properly withdrawn prior to the first class session or first day of instruction of the quarter.
- (2) A full refund will be made when courses or programs are cancelled.
- (3) One-half refund will be made on or after the first class session or first day of instruction of the quarter and on or prior to the thirtieth calendar day of the quarter or when forty percent of the course or program has elapsed, whichever is earlier in the quarter.
- (4) No refund will be made after the thirtieth calendar day of the quarter or after forty percent of the course or program has elapsed.
- (5) Exceptions may be made for medical reasons or when called into the military.
- (6) The college shall charge a refund processing fee to be set by the college president.
- (7) Refunds of less than five dollars will not be made.
- (8) Students who have paid fees for equipment or materials which have a return/refund value must have the instructor or staff person who is responsible for the return/refund complete the appropriate form approving the refund.
- (9) Other fees which are nonrefundable and not subject to this policy will be set by the college president and identified as such in the quarterly course schedule, and/or course announcement.

**AMENDATORY SECTION** (Amending Order 77-2, filed 7/22/77)

WAC 132J-160-050 APPEAL. Students have the right to appeal the refund policy within one calendar year of their payment when there are special circumstances involved. All appeals go to the dean for students.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 132J-160-040 TUITION AND SPECIAL COURSE/PROGRAM CONNECTED FEES WITHDRAWAL OR REDUCTION IN CLASS LOAD REFUND POLICY.

WSR 84-06-054

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning Quarantine—Agricultural pests, gypsy moth and apple maggot, chapter 16-470 WAC;

that such agency will at 1:30 p.m., Thursday, April 19, 1984, in the General Administration Building, Large Conference Room, Olympia, Washington, conduct a hearing relative thereto.

The formal adoption, amendment, or repeal of such rules will take place at 1:00 p.m., Monday, April 30, 1984, in the Director's Office, Department of Agriculture.

The authority under which these rules are proposed is chapter 17.24 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to April 30, 1984, and/or orally at 1:30 p.m., Thursday, April 19, 1984, General Administration Building, Large Conference Room, Olympia, Washington.

Dated: March 7, 1984

By: Michael V. Schwisow  
Deputy Director

**STATEMENT OF PURPOSE**

Title: New chapter 16-470 WAC Quarantine—Agricultural pests, WAC 16-470-010, 16-470-015, 16-470-020, 16-470-030, 16-470-040, 16-470-050, 16-470-060, 16-470-100, 16-470-110, 16-470-120 and 16-470-130.

Description of Purpose: To consider the adoption of rules on quarantine of gypsy moth and apple maggot.

Statutory Authority: Chapter 17.24 RCW.

Summary of Rules: These rules are to minimize or prevent the introduction and/or artificial spread of gypsy moth and apple maggot throughout the state of Washington.

Reasons for Supporting Proposed Action: The apple maggot is a real threat to commercial orchard growers and the fruit producing industry of Washington state; the gypsy moth, if not contained, can cause widespread defoliation of trees and become a severe public nuisance. The spread of these pests would adversely affect Washington's agricultural industry and economy.

Agency Personnel Responsible for Drafting, Enforcing and Implementing: Robert O. Rebhan, Plant Services Supervisor, 406 General Administration Building, Olympia, WA 98504, phone (206) 753-5062.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments or Recommendations: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

Chapter 16-470 WAC  
 QUARANTINE - AGRICULTURAL PESTS

WAC  
 16-470-010 DEFINITIONS  
 16-470-015 PENALTIES  
 16-470-020 QUARANTINE - GYPSY MOTH - AREA UNDER ORDER  
 16-470-030 QUARANTINE/GYPSY MOTH HOSTS AND CARRIERS  
 16-470-040 GYPSY MOTH QUARANTINE RESTRICTIONS - INTERIOR  
 16-470-050 GYPSY MOTH QUARANTINE RESTRICTIONS - EXTERIOR  
 16-470-060 SPECIAL PERMITS  
 16-470-100 QUARANTINE - APPLE MAGGOT - AREA UNDER ORDER  
 16-470-110 COMMODITIES UNDER QUARANTINE-APPLE MAGGOT HOSTS AND CARRIERS  
 16-470-120 APPLE MAGGOT QUARANTINE RESTRICTIONS INTERIOR/EXTERIOR  
 16-470-130 SPECIAL PERMITS

NEW SECTION

WAC 16-470-010 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter, unless the context otherwise requires:

- (1) "Director" means the director of agriculture of this state, or a duly authorized representative.
- (2) "Department" means the Washington state department of agriculture.
- (3) "Interior quarantine" means a quarantine within the state of Washington established against the movement of designated insect life stages, their hosts, and possible carriers from areas identified by the Washington state department of agriculture.
- (4) "Exterior quarantine" means a quarantine established against the movement into Washington state of designated insect life stages, their hosts, and possible carriers.
- (5) "Gypsy moth ( *Lymantria dispar* )" means a lepidopterous insect of the family Lymantriidae which in the larval stage defoliates many species of trees and shrubs.
- (6) "Apple maggot ( *Rhagoletis pomonella* )" means dipterous insects belonging to the family Tephritidae which in the larval stage live within fruit of their host plants, with potential for causing extensive damage to fruit or certain crops.
- (7) "Commercial orchard" means an orchard in which fruit is grown for commercial purposes and with the use of approved and accepted integrated pest management program pursuant to statutes, guidelines or rules approved by the agricultural extension service or regulatory officials of the state of origin.

NEW SECTION

WAC 16-470-015 PENALTIES. Any person who violates or fails to comply with any rule adopted under RCW 17.24.020 through 17.24.100 shall be guilty of a misdemeanor, and for a second and each subsequent violation with the same rule, shall be punished by imprisonment in the county jail for not less than thirty days or more than one year, or by a fine of not less than one hundred dollars, or more than one thousand dollars or both fine and imprisonment.

NEW SECTION

WAC 16-470-020 QUARANTINE - GYPSY MOTH - AREA UNDER ORDER. (1) Interior Quarantine. Real and personal properties within Washington state and adjacent properties where the department has identified multiple gypsy moth life stages and where occupants and/or owners of those properties have been notified by the department of the gypsy moth infestation and to the effect that the subject property is under quarantine pursuant to Chapter 16-470 WAC rules and requirements.

(2) Exterior Quarantine. All areas of the United States and Canada that are declared high risk by the United States department of agriculture, animal, plant, health inspection service, plant protection and quarantine.

NEW SECTION

WAC 16-470-030 QUARANTINE/GYPSY MOTH HOSTS AND CARRIERS. The following articles and commodities are placed under quarantine when located within or originating from an area as described in WAC 16-470-020:

- (1) Trees, shrubs with persistent woody stems, Christmas trees and parts of such trees and shrubs (except seeds, fruits and cones).
- (2) Timber and building materials, including but not limited to such items as lumber, planks, poles, logs, firewood, pulpwood, fencing and building blocks.
- (3) Mobile homes, recreational vehicles, trailers, boats, camping gear, and associated equipment.
- (4) Outdoor household articles including but not limited to such items as furniture, toys, garden tools, garden machinery, animal houses.
- (5) Any other items or means of conveyance not covered above when that item or conveyance presents a hazard of the spread of any life stage of gypsy moth.

NEW SECTION

WAC 16-470-040 GYPSY MOTH QUARANTINE RESTRICTIONS - INTERIOR. Items under quarantine are prohibited movement from the area under quarantine except as follows:

- (1) Any item under quarantine may be inspected and certified for movement by a department inspector if, in the inspector's judgment, it is free of all stages of gypsy moth. Any item that in the judgment of the department inspector is too large or for other reasons cannot be adequately inspected for all stages of gypsy moth will not be certified except as indicated in WAC 16-470-040(3) and (4).
- (2) Garden prunings from trees and shrubs may be moved under Washington state department of agriculture permit to the city or county dumps where such material is to be buried, incinerated, composted, or otherwise treated or handled in a manner that is approved by a department inspector and does not pose a hazard to the spread of gypsy moth life stages. A department permit is not necessary for such material picked up by city or county vehicles or trucking companies under contract to haul such material to county approved facilities for disposal.
- (3) Any item which cannot be adequately inspected as stated in WAC 16-470-040(1) may be moved from the quarantine area if cleaned or treated as prescribed by the director and in a manner satisfactory to the department inspector. Such items cleaned or treated shall be certified by a department inspector before movement from the quarantine area.
- (4) Department inspectors may also certify items for movement when in their judgment the item has not been exposed to infestation, or has not been exposed to infestation after being properly inspected, cleaned or treated.
- (5) Expense of cleaning or treatment of articles or commodities for gypsy moth shall be the responsibility of the person in possession of the articles or commodities, or the consignee in case of commercial shipment by common carriers of household goods.

NEW SECTION

WAC 16-470-050 GYPSY MOTH QUARANTINE RESTRICTIONS - EXTERIOR. Quarantined articles and commodities are prohibited entry into Washington state except as follows:

- (1) Articles and commodities covered originating in the area under quarantine may enter this state: PROVIDED, That the articles or commodities are accompanied by a certificate issued by an authorized agricultural official in the state or province of origin which contains the following information:
  - (a) The designation of the articles and commodities.
  - (b) The county and state or province of origin.
  - (c) A statement verifying that all the articles and commodities were inspected for all stages of gypsy moth, and:
    - (i) They originated in non-infested premises in the area under quarantine and have not been exposed to gypsy moth while in the area under quarantine; or
    - (ii) Upon inspection, they were found to be free of any stage of gypsy moth; or
    - (iii) They were treated at origin under the direction of an agricultural official to destroy any stage of gypsy moth; the method of treatment used and the date of the treatment shall also be stated; or

(iv) They were grown, produced, manufactured, stored or handled in such a manner that no stage of gypsy moth would be transmitted on them.

(d) The original or facsimile signature of the authorized agricultural official.

(2) The certificate required under WAC 16-470-050(1) may be issued by a private enterprise: PROVIDED, That the enterprise has been approved by the director, or by the United States department of agriculture, animal and plant health inspection service, plant protection and quarantine as having employees who have successfully completed a training program approved by the director or the United States department of agriculture, conducted by private organizations or state government officials, in the inspection for and treatment of gypsy moth; and the inspection and any treatment was performed, and the certificate issued by, one of those employees.

(3) Any certificate issued by a private enterprise shall contain the information required in WAC 16-470-050(1): PROVIDED, That the statement relating to treatment at origin in WAC 16-470-050(1)(c) shall verify that the articles and commodities were treated at origin by an employee who has successfully completed an approved training program in the inspection for and treatment of gypsy moth; and the signature required in WAC 16-470-050(1)(d), shall be that of the employee issuing the certificate.

(4) The certificate required in WAC 16-470-050(1) shall be securely attached to the outside of the container containing the articles or commodities, or securely attached to the article or commodity itself if not in a container, or securely attached to the consignee's copy of the weighbill or other shipping document.

(5) Any article or commodity covered in WAC 16-470-030 which originated in the area under quarantine and is not accompanied by the certificate required may:

(a) Enter Washington, if, in the determination of the department, the article or commodity is:

(i) Cleaned or treated to destroy gypsy moth at the point of entry; or

(ii) Cleaned or treated to destroy gypsy moth in the county of destination, under the supervision of the department, prior to release of the article or commodity. Any shipment containing articles or commodities to be cleaned or treated in the county of destination shall be sealed at point of entry or origin and held under quarantine in that county until the treatment or cleaning is to occur.

(b) Be refused entry in Washington, if, in the opinion of the department inspector that:

(i) Cleaning or treatment to destroy gypsy moth at the point of entry would interfere with the movement of interstate commerce; and/or

(ii) Cleaning or treatment to destroy gypsy moth in the county of destination presents a high risk of dissemination of gypsy moth during transit or it is not possible to effectively clean or treat due to lack of facilities and/or needed equipment or lack of personnel in that county.

(c) Expense of cleaning or treatment of articles and commodities for gypsy moth at point of arrival in Washington state, or in the county of destination shall be the responsibility of the person in possession of the articles and commodities or the consignee in the case of commercial shipment by common carrier of household goods.

(6) No certificate is required for movement into Washington of articles and commodities covered in WAC 16-470-030 that originated outside an area under quarantine when the point of origin is clearly indicated, their identity has been maintained and they have been safeguarded against infestation by gypsy moth while in the area under quarantine.

#### NEW SECTION

WAC 16-470-060 SPECIAL PERMITS. The director may issue special permits admitting articles or commodities covered in WAC 16-470-030 not otherwise eligible for entry from the area under quarantine, subject to such conditions and provisions deemed necessary for protection of Washington agriculture.

#### NEW SECTION

WAC 16-470-100 QUARANTINE - APPLE MAGGOT - AREA UNDER ORDER. The following areas are declared by the director to be under quarantine:

(1) Interior quarantine. All counties west of the crest of the Cascade mountain range, and Spokane, Skamania and Klickitat counties within the state of Washington.

(2) Exterior quarantine. All state where apple maggot is known to occur including but not limited to the states of North Dakota, South

Dakota, Nebraska, Oklahoma and Texas, and all states east thereof including the District of Columbia, and the states of Oregon, Utah and California.

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

#### NEW SECTION

WAC 16-470-110 COMMODITIES UNDER QUARANTINE-APPLY MAGGOT HOSTS AND CARRIERS. The following commodities are hereby placed under quarantine:

(1) California, Oregon, Utah and Washington states - All fresh fruit of apple (including crabapple), pear and hawthorn (haw) except commercial fruit. For the purpose of this rule, commercial fruit shall be fruit that is:

(a) Grown in a commercial orchard and commercially packed and labeled; or

(b) Purchased from a grocery store or commercial orchard and accompanied by a receipt or certificate bearing the letterhead or name of the store or grower; or

(c) Fruit grown in a commercial orchard and destined to a commercial processing plant.

(2) The following commodities shipped from states including the District of Columbia listed in WAC 16-470-100: All fresh fruit of apple (including crabapple), apricot, blueberry, cherry, hawthorn (haw), huckleberry, nectarine, peach, pear, plum, prune and quince, and rose hips are prohibited except as noted in WAC 16-470-110(1), pertaining to commercial fruit from California, Oregon, Utah and Washington, except as provided in WAC 16-470-120 (1) through (7).

#### NEW SECTION

WAC 16-470-120 APPLE MAGGOT QUARANTINE RESTRICTIONS - INTERIOR/EXTERIOR. (1) Certification required. Commodities described in WAC 16-470-110 that are produced in or shipped from the area under quarantine are prohibited entry into or movement within the state of Washington unless each lot and/or shipment is accompanied by a certificate issued by and bearing the original or facsimile signature of the authorized agricultural official of the state from which the commodity is shipped evidencing compliance with WAC 16-470-120(3), (4), (6) or (7). No certificate is required for commodities meeting the requirements of WAC 16-470-120 (2) or (6).

(2) Reshipments in original containers. Commodities in original unopened containers, each bearing labels or other identifying marks evidencing origin outside the area under quarantine, may be reshipped to this state from any point within the area under quarantine.

(3) Repacked commodities. Each lot or shipment of commodities certified by an authorized agricultural official to have been grown outside the area under quarantine and which has had continued identity maintained while within the area under quarantine, may be repacked and shipped by common carrier from any point within the area under quarantine to this state. The certificate shall contain the following information:

(a) The state in which commodities were grown,

(b) The point of repacking and reshipment,

(c) The amount and kind of commodities comprising the lot or shipment,

(d) The names and addresses of the shipper and consignee.

(4) Apples exposed to controlled atmosphere (CA) storage. Apples which are exposed to controlled atmosphere (CA) storage for a continuous period of ninety days, during which period the temperature within the storage room has been maintained at thirty-eight degrees Fahrenheit or less, may be admitted into Washington: PROVIDED, That the storage room or building is approved by the proper authorities in the state of origin as a controlled atmosphere facility, and each lot or shipment of such apples to Washington state is accompanied by a certificate, as provided in WAC 16-470-120(1).

(5) Shipments from cold storage. Commodities described in WAC 16-470-110 which are held in cold storage for a continuous period of forty days or more, during which period the temperature within the storage room is maintained at thirty-two degrees Fahrenheit or less, may be admitted into Washington state: PROVIDED, That each lot or shipment is accompanied by a certificate, as stated in WAC 16-470-120(1) evidencing compliance with the minimum temperature requirements.

(6) Solid frozen fruits exempt. No restrictions are placed on the entry into this state of fruits which upon arrival are frozen solid and which are under refrigeration to assure their solid frozen state.

(7) Fresh fruit from California, Utah and Oregon. All fresh fruit of apricot, blueberry, cherry, huckleberry, nectarine, peach, plum, prune and quince grown in and shipped from the states of California, Utah and Oregon may be shipped into Washington state: PROVIDED, That the origin state will assure that shipment originated in an area found to be free from apple maggot and was grown in a commercial orchard and commercially packed and labeled.

#### NEW SECTION

WAC 16-470-130 SPECIAL PERMITS. The director may issue special permits admitting commodities covered in WAC 16-470-110 not otherwise eligible for entry from the area under quarantine, subject to conditions and provisions which the director may prescribe to prevent introduction, escape or spread of the quarantined pests.

**WSR 84-06-055**  
**PROPOSED RULES**  
**DEPARTMENT OF SERVICES**  
**FOR THE BLIND**  
[Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Services for the Blind intends to adopt, amend, or repeal rules concerning vending facility program for the blind, amending chapter 67-35 WAC;

that the agency will at 12 noon, Wednesday, April 11, 1984, at 3411 South Alaska Street, Seattle, WA 98128, 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 74.18.200 - 74.18.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

Dated: March 7, 1984

By: Paul Dziedzic  
Director

#### STATEMENT OF PURPOSE

Title: Describes the vending facility program which provides increased employment opportunities for blind citizens of the state through training and placement of blind persons in vending facilities located in federal, state and locally-owned buildings.

Description of Purpose: To clarify some of the rules regarding the business enterprise program. By adoption of these rules, it will help to streamline eligibility for the program, and selection, training and testing of vendors.

Statutory Authority: RCW 74.18.200 - 74.18.230.

Summary of Rules: Describes the department's business enterprise program and its functions.

Reasons Supporting Proposed Actions: Current WACs do not address existing situations in the business enterprise program.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dziedzic, director.

Person or Organization Proposing Rule: Department of Services for the Blind, 921 Lakeridge Drive, Olympia, WA; a state governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement or Fiscal Matters: The Department of Services for the Blind has as one of its business enterprise program goals, greater involvement of the vendor's committee in this program. These changes will permit greater participation by the vendor's committee.

This rule is necessary as a result of the Federal Randolph Sheppard Act.

Small Business Economic Impact: The vending stands authorized by this chapter establishes small business enterprises for blind individuals and this program has been in existence for several years.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-020 (~~(PUBLIC INFORMATION)~~) APPLICATION—HOW TO APPLY. The public may obtain additional information about the program, including how to apply for services by contacting the vending facility program (~~(supervisor)~~) staff (the vending facility program administrator and vending facility program assistant) at the Department of Services for the Blind, 921 Lakeridge Drive, #202, Olympia, WA 98504-0088, phone (206) 754-1224, toll-free 1-800-552-7103; or by contacting department of services for the blind offices located in several large cities of the state. An application for service under the vending facility program may be made to a vocational rehabilitation counselor located in any office of the department of services for the blind.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-030 TERMS DEFINED. The terms defined in this section shall have the indicated meaning when used in this chapter.

(1) "Agreement" means that document issued by the department to a blind licensee assigning responsibility for the management of a designated vending facility in accordance with these rules and the terms and conditions of the permit or contract.

(2) "Blind" means visual acuity of no more than 20/200 in the better eye with correcting lenses; or if visual acuity is greater than 20/200, a limitation in the field of vision of the better eye so that its widest diameter subtends an angle of no greater than 20 degrees, as determined by an examination by a physician skilled in diseases of the eye, or an optometrist, whichever the person chooses.

(3) "Blind licensee" or "licensee" means a person licensed by the department to operate a vending facility in the vending facility program, but who is not assigned a vending facility.

(4) "Blind vendor" or "vendor" means a person licensed by the department to operate a vending facility in the vending facility program and who is assigned a vending facility.

(5) "Challenge test licensee" means a person who has prior work experience and/or training in food service and food service management and who takes the challenge test and is licensed by the department to operate a vending facility in the vending facility program.

(6) "Contract" means the negotiated terms and conditions between the manager controlling federal or other property and the department covering the operation of a vending facility on federal or other property.

(7) "Cost of goods purchased and other operating expenses" this item of the income statement includes the cost of goods purchased and the operating expenses such as maintenance of equipment, rent, utilities, insurance, social security, workmen's compensation, pest control, delivery services, licenses, state and local taxes.

~~((6))~~ (8) "Department" means the Washington department of services for the blind.

~~((7))~~ (9) "Equipment" means all appliances, utensils, counters, cupboards, storage devices, furniture and other furnishings used in the operation of the vending facility, to which the department retains title.

~~((8))~~ (10) "Federal property" means any building, land or other real property owned, leased or occupied by any department, agency or

instrumentality of the United States including the department of defense and the United States postal service, or any other instrumentality wholly owned by the United States.

((11)) (11) "Gross income" is the aggregate of gross sales, all machine income received by vendors, rebates and any other income received by the vending operations.

((9)) (12) "License" means a written instrument issued by the department to a blind person authorizing that person to operate a vending facility on federal or other property.

((10)) (13) "Management services" means supervision, inspection, quality control, consultation, accounting, regulating, in-service training, and other related services provided on a systematic basis to support and improve vending facilities operated by blind vendors. "Management services" does not include those services or costs which pertain to the ongoing operation of an individual facility after the initial establishment period.

(14) "Net proceeds" - (net profit) means the amount remaining from the sale of articles or services of vending facilities, and any vending machine or other income accruing to blind vendors after deducting the cost of such sale and other expenses (excluding set-aside charges required to be paid by blind vendors.)

((11)) (15) "Other property" means property which is not federal property.

((12)) (16) "Permit" means the official approval given the department by another department, agency or instrumentality in control of the maintenance, operation and protection of federal property, or a person in control of other property, whereby the department is authorized to establish a vending facility.

((13)) (17) "Public building" means any building owned by the state of Washington or any political subdivision thereof, and any space leased by the state of Washington or any political subdivision thereof in any privately-owned building and designated by the department as being appropriate for inclusion in the vending facility program: PROVIDED, HOWEVER, That any vending facility or vending machine under the jurisdiction and control of another established state or local board or authority responsible for its maintenance and operation, shall not be designated without the consent of such state or local board or authority.

((14)) (18) "Program" means the vending facility program, (also known as the business enterprises program) including all of the activities, obligations and relationships described in this chapter.

((15)) (19) "Set aside funds" means any income from vending machines on federal property received by the department and not paid to vendors as income under provision of 45 C.F.R., section 1369.32 (b), (c) and (d).

((16)) (20) "Vending facility" means cafeterias, snack bars, vending counters, vending carts, vending machines or any combination of the above, at which food, tobacco, refreshments or sundries are offered for sale, and which operate under the vending facility program. Vending facilities will be identified by the following classifications:

(a) "Cafeteria" means a food dispensing vending facility capable of merchandising a broad variety of prepared foods and beverages. Characteristically, the cafeteria has specialized equipment, a food preparation area, and booths and tables for seating. Vending machines may be part of a cafeteria.

(b) "Dry stand" means a vending facility which merchandises, among other things, tobacco, sundries and prepackaged food and refreshment items. Characteristically, the dry stand has no specialized equipment for refrigerating or heating foods or beverages, nor any food preparation area. Merchandise is consumed away from the dry stand. Vending machines may be a part of the dry stand.

(c) "Lunch counter" means a vending facility which merchandises, among other things, lines of refreshment and food items suitable for a light meal. Characteristically, the lunch counter has specialized equipment for the refrigerating, cooking or heating of foods and beverages, and has a limited food preparation area. Merchandise may be consumed at or away from the lunch counter. Vending machines may be part of the facility.

(d) "Other types of facilities" means those facilities not included under the cafeteria or vending machine, such as snack bars, lunch counters and dry stands which provide a variety of articles dispensed manually by the vendor.

(e) "Snack bar" means a vending facility which merchandises, among other things, limited lines of refreshment and prepared food items. Characteristically, a snack bar has specialized equipment for

refrigerating or heating foods and beverages but has no food preparation area. Merchandise may be consumed at or away from the snack bar. Vending machines may be a part of the facility.

((17)) (21) "Vending machine facility" means a vending facility comprised of coin or currency operated machines merchandising, among other things, a variety of food and refreshment items. The vendor is responsible for the management of the machines and usually performs such functions as loading and servicing the machines and other customer-related services. Characteristically, there is no provision for booth or table seating at such a facility.

((18)) (21) "Vending machine" means any coin-operated machine offering food, refreshments, tobacco or sundries for sale.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-040 ELIGIBILITY. To be eligible to enter the training program to become a blind licensee, the applicant must meet the following requirements:

- (1) Blind as defined in WAC 67-35-030(2);
- (2) A citizen of the United States;
- (3) Determined eligible for vocational rehabilitation services under 45 C.F.R., sections 1361.34 and 1361.35;
- (4) Found by a vocational rehabilitation counselor's thorough diagnostic study to possess adequate alternative skills to the use of vision in reading, writing and independent travel;
- (5) ((Has successfully completed a work evaluation in vending facility management conducted in Seattle by the vending facility program staff)) Be referred to the business enterprise program by a vocational rehabilitation counselor;
- (6) Receive a passing grade on the business enterprise screening test;
- (7) Successfully complete two on-the-job evaluations at two different vending facilities operated by licensed vendors. Facilities used as on-the-job training sites will be chosen by the vendors committee in conjunction with the business enterprise director. Each on-the-job evaluation will be of two weeks duration;
- (8) Successfully complete a vendor training program arranged by the business enterprise director.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-050 LICENSEE TRAINING. The department operates a training ((course)) program for those who have met the requirements in WAC 67-35-040. In accepting ((persons)) applicants into the training ((course)) program, preference is given to those who are in need of work, otherwise ((persons)) applicants are entered into the ((course)) program according to the earliest date of application. The department ((maintains)) provides or causes to be provided a ((course)) program which includes training and experience with written criteria which the trainee must achieve. The training ((course)) program is of undetermined length, and the time of completion depends upon the trainee's ability to meet the criteria set forth in the ((course)) program. Upon successful completion of the ((course)) program, the trainee receives a license and is eligible for benefits granted a licensee in this chapter.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-055 LICENSEE—FORMER OR CURRENT OUT-OF-STATE. Any individual currently licensed in another state in good standing or who formerly held a license which was terminated ((in this program)) without cause in the state of Washington may attempt ((for a minimum two-week period, to demonstrate at a department-operated training facility their knowledge and ability to manage a vending facility. If he/she is successful in this attempt, this trainee will be granted a license, will receive the minimum basic evaluation score of thirty-five points, and will be eligible for benefits granted a licensee in this chapter)) to be recertified. To be recertified an individual must do the following:

- (1) Indicate in writing to the department of services for the blind a request to become a licensed vendor.
- (2) Successfully complete an on-the-job evaluation with a licensed vendor for a minimum period of three weeks at a vending facility to demonstrate his/her knowledge and ability to manage a vending facility. The facility to be used will be designated by the vendors committee in conjunction with the business enterprise program director.

(3) Successfully complete a written examination with a score of seventy or better. If he/she is successful in this attempt, this applicant will be granted a license and will receive the basic evaluation score he/she receives in the written examination and will be eligible for benefits granted a licensee in this chapter.

#### NEW SECTION

WAC 67-35-056 CHALLENGE TEST LICENSEE. An applicant who meets requirements of WAC 67-35-040 (1) through (6) and who wants to become a blind licensee and who has prior experience or training in food service management may request to be certified as a blind licensee.

The director of the business enterprise program in conjunction with the blind vendors committee will make a determination as to the individual's eligibility. If the individual is found to be eligible he/she will:

(1) Successfully complete an on-the-job evaluation with a licensed vendor for a minimum period of three weeks at a vending facility to demonstrate his/her knowledge and ability to manage a vending facility. The facility to be used will be designated by the vendors committee in conjunction with the business enterprise program director.

(2) Successfully complete a written examination with a score of seventy or better. If he/she is successful in this attempt, this applicant will be granted a license and will receive the basic evaluation score he/she receives in the written examination and will be eligible for benefits granted a licensee in this chapter.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-070 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—PROCEDURE. (1) To select a licensee or vendor to operate an available vending facility, a ((basic evaluation)) score is computed for each licensee or vendor. ((The basic evaluation score will reflect an operator's level of competency as measured by the financial activities of the vending facility and compared to vending facilities which operations are more similar than dissimilar. To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into ten classifications: Dry stands; snack bars under \$100,000 annual gross sales; snack bars over \$100,000 annual gross sales; lunch counters under \$100,000 annual gross sales; lunch counters over \$100,000 annual gross sales; cafeterias under \$100,000 annual gross sales; cafeterias from \$100,000 to \$200,000 annual gross sales; cafeterias over \$200,000 annual gross sales and/or those with limited income percentage; vending machines grouped to form a facility; and department training cafeteria. For each group of vending facilities, an average percent is calculated for each item used in the evaluation. Points are assigned to percentages which deviate from the average to reward superior management and to discourage overpricing and excess profiteering. One point for each year of experience in the vending facility program up to five years and .2 point for each year of experience in the vending facility program beyond five years is added to the basic evaluation score to obtain the final evaluation score. Each federal fiscal year the average percentage for the three items of evaluation will be calculated for each of the ten groups of vending facilities, and vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned. Any vending facility which, as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification.

(2) The basic evaluation score for a vendor is determined by using three items reported on the vendor's quarterly report: Cost of merchandise sold; all other operating costs; and net profit. The vendor will separately report the value of any volunteer labor received which is essential to the operation of the facility; the cost of purchasing, leasing or renting equipment; and income received from any personnel training programs for the purpose of adjusting the category of "all other operating expenses." Income received from vending machines not managed or operated by the vendor shall not be considered in the evaluation process. Cost of merchandise sold, adjusted all other operating expenses, and adjusted net profit is determined and converted into a percentage of gross sales. The percentages in each category are converted to points, as shown in WAC 67-35-080, and the sum of the three separate scores becomes the basic evaluation score. The basic evaluation score for each of the most current two quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score except that the quarter in which a licensee or operator assumes

responsibility for a new or different location shall not be included in the two most current quarters used in determining an evaluation score.

(3) A trainee shall receive a basic evaluation score by the same method as set forth in subsection (2) of this section except that the period of basic evaluation shall include those months when a trainee is in certification training and is managing a vending facility under the training program of the department of services for the blind. The basic evaluation score shall be computed monthly, and adjustment factors are not used.

(4) The licensee or vendor applying for an available facility and having the highest evaluation score shall be designated the vendor of the available facility except as provided for in subsections (5) and (6) of this section.

(5) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant.

(6) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (5) of this section.

(7) A licensee or vendor who has applied for a vending facility under WAC 67-35-060 may upon request receive a review of the correctness of the selection process from the director of the department or his/her designee. The review must be requested within ten calendar days of the completion of the selection process for which the licensee or vendor has applied. The director or his/her designee will inform the licensee or vendor of the review findings within ten days of the request.) The vendor or licensee having the highest score in each respective category as defined in WAC 67-35-030 will be interviewed by a panel representative of the vendors committee, the BEP director, and the building manager. The vendor or licensee who will operate the available vending facility will be chosen in this interview.

#### (2) Vendor score determination:

(a) A basic evaluation score will reflect a vendor's level of competency, as measured by the financial activities of the vending facility compared with vending facilities whose operations are similar.

(b) A vendor will receive one additional point for each year of experience in the vending facility program up to five points.

(c) The basic evaluation score for a vendor is determined by using three items reported on the vendor's monthly report: Gross income, cost of goods purchased and other operating expenses, and net proceeds. The cost of goods purchased and other operating expenses, gross income and net proceeds is determined and converted into a percentage of gross income. The percentages in each category are converted to points, as shown in WAC 67-35-080, and the sum of the two separate scores become the basic evaluation score. The basic evaluation score for each of the most current four quarters will be averaged, and this average plus points earned by seniority becomes the evaluation score.

(d) To achieve relative ranking of vendor and licensee effectiveness, vending facilities have been grouped into three classifications: Cafeterias, vending machine facilities, and other facilities. Other facilities consist of dry stands, snack bars and lunch counters. Any vending facility which as a result of modification, belongs in a different facility classification will be assigned to that classification and will use the average percentages applicable to that classification. The vendors committee in conjunction with the director of the business enterprise program will group similar vending facilities.

(e) For each group of vending facilities, the national average percentage is used to calculate each item used in the evaluation. These average percentages will be taken from the previous year's Randolph-Sheppard Vending Facility Program Annual Report, which is provided by the United States department of education, office of rehabilitation services administration. The percentages used in the evaluation are the net proceeds to gross income and the cost of goods purchased and other operating expenses. Each federal fiscal year, the vendors shall be informed in writing of the average percentages and to which classification their vending location is assigned.

(f) Any vendor who has not provided the department with current monthly financial statements will not be eligible to bid on available locations.

#### (3) Licensee score determination:

(a) Individuals completing department sponsored training. The licensee's score will be the total points correct on the preliminary tests,

the final examination, and the Randolph-Sheppard test. The BEP director will assure that the potential number of points remain consistent from quarter to quarter.

(b) Challenge test licensee's basic evaluation score will be the score he/she receives on the challenge test.

#### NEW SECTION

WAC 67-35-072 AVAILABLE VENDING LOCATIONS. (1) If only one vendor or licensee bids on an available vending location, that individual will receive that available location.

(2) No vendor or licensee who has been designated to operate an available vending facility will within the next six months thereafter be designated to operate a subsequently available vending facility, unless such vendor(s) or licensee(s) is (are) the only applicant.

(3) The loss of any vending facility to the vending facility program for reasons beyond the control of the vendor assigned that facility, as determined by the staff of the vending facility program, shall permit assignment of the next available vending facility to that vendor without respect to other provisions of this section. Any vendor so assigned may make application for a subsequently available facility without respect to subsection (2) of this section. This section prevails over WAC 67-35-070 with regard to selection of vendors. When a vendor loses the vending facility he/she will be required to indicate geographic availability and will be assigned the next available vending facility within the indicated geographic location. Any vendor who refuses the next available vending location will be required to make application for a subsequently available facility.

(4) Licensees will be required to indicate geographic availability at time of application. Any licensee who declines an available vending facility within the geographic area of availability will be removed from consideration for any future available vending facilities.

#### AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-080 ((~~LICENSEE OR~~) VENDOR ((EVALUATION FORM)) SCORING—EXPLANATION. ((A licensee or vendor may accumulate a maximum of 25 basic evaluation points for the item of "cost of merchandise sold", a maximum of 20 basic evaluation points for the item of "adjusted all other operating costs", and a maximum of 30 basic evaluation points for the item of "adjusted net profit" for a maximum basic evaluation score of 75 points.

##### (1) Dry stands

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .33% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .33% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

##### (2) Snack bar under \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage

point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

##### (3) Snack bar over \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

##### (4) Lunch counter under \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

##### (5) Lunch counter over \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

##### (6) Cafeteria under \$100,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each 1% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage



point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(7) Cafeteria from \$100,000 to \$200,000 annual gross sales

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .66% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .66% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .66% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each 1% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each percentage point beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each 1% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(8) Cafeterias over \$200,000 annual gross sales and/or those with limited income

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each 1% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each 1% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each .5% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .5% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .5% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(9) Vending machines grouped to form a facility

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .2% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .2% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "adjusted all other operating costs," the average percentage shall receive 15 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "adjusted net profit," the average percentage shall receive 20 points. For each .33% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .33% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .33% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

(10) Department training cafeteria

For the item of "cost of merchandise sold," the average percentage shall receive 20 points. For each .5% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .5% greater than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.

For the item of "all other operating costs," the average percentage shall receive 15 points. For each .33% less than the average, 1 point shall be added, to a maximum of 5 additional points. For each .33% above that percentage necessary to achieve maximum points, 1 point shall be deducted from 20 points. For each .33% greater than the average, 1 point shall be deducted from 15 points, to a minimum score of zero.

For the item of "net profit," the average percentage shall receive 20 points. For each .5% greater than the average, 1 point shall be added, to a maximum of 10 additional points. For each .5% beyond that necessary to earn 30 points, 1 point shall be deducted from 30 points. For each .5% less than the average, 1 point shall be deducted from 20 points, to a minimum score of zero.)) The vendor may accumulate a

maximum of twenty-five evaluation points for the item of "net proceeds" and a maximum of thirty points for the item of "cost of goods purchased and other operating expenses" for a maximum of performance score of fifty-five points. The basic evaluation points for cafeterias, vending machine facilities and others will be scored as follows:

For the item of "net proceeds" the average percentage shall receive twenty points. For each one percent greater than the average, one point shall be added, to a maximum of ten additional points. For each one percent less than the average, one point shall be deducted from twenty points, to a minimum score of zero.

For the item of "cost of goods purchased and other operating expenses" the average percentage shall receive fifteen points.

For each one percent less than the average, one point shall be added, to a maximum of five additional points.

For each one percent above that percentage necessary to achieve maximum points, one point shall be deducted from twenty points.

For each one percent greater than the average, one point shall be deducted from fifteen points, to a minimum of zero.

The vendor's seniority points are added to the vendor's evaluation points to arrive at the total evaluation score.

#### NEW SECTION

WAC 67-35-082 ADMINISTRATIVE REVIEW. A licensee or vendor who has applied for a vending facility under WAC 67-35-060 may upon request receive a review of the correctness of the selection process from the director of the department or his/her designee. The review must be requested within ten calendar days of the completion of the selection process for which the licensee or vendor has applied.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 67-35-045 LICENSEE AN INDIVIDUAL PERSON—NOT A CORPORATE ENTITY.

(2) WAC 67-35-060 SELECTING A LICENSEE OR VENDOR TO OPERATE VENDING FACILITY—NOTICE.

(3) WAC 67-35-075 SELECTION OF A LICENSEE OR VENDOR TO OPERATE A VENDING FACILITY DURING A LEAVE OF ABSENCE OF A VENDOR.

(4) WAC 67-35-090 ASSIGNMENT TO A VENDING FACILITY—AGREEMENT.

#### WSR 84-06-056

#### PROPOSED RULES

#### DEPARTMENT OF LICENSING

[Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning vessel registration and certificates of title, new WAC 308-93-650;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, in the Auditorium, Office Building II, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.02.100 and 88.02.070.

The specific statute these rules are intended to implement is RCW 88.02.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1984.

Dated: March 5, 1984  
By: Sandra Brooks  
Administrator

**STATEMENT OF PURPOSE**

Title: Chapter 308-93 WAC Vessel registration and certificates of title, new WAC 308-93-650 Title purpose only.

This rule is proposed under the authority of RCW 88.02.100 and 88.02.070.

The Specific Statute this Rule is Intended to Implement: RCW 88.02.070.

Summary of the Rule and Statement of Reasons Supporting its Adoption: The rule will enable the issuance of certificates of title for vessels without issuing a registration. The title so issued may then be used as deemed appropriate.

Agency Personnel Responsible for Drafting, Implementation and Enforcing the Rule: In addition to the director, the following has knowledge of and has responsibility for drafting, implementing, and enforcing this rule: Sandra Brooks, Administrator, Second Floor, Highways-Licenses Building, Olympia, WA 98504, 234-6920 scan, 753-6920 comm.

Organization Proposing this Rule: Department of Licensing.

Agency Comments: None.

This rule is not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: A small business economic impact statement is not required since this rule does not impact any small businesses as that term is defined in RCW 42.31.920 [43.21.920].

**NEW SECTION**

WAC 308-93-650 TITLE PURPOSE ONLY. Nothing in title 82 or chapter 308-93 WAC shall be construed to prevent any person entitled thereto from securing a certificate of title upon a vessel without securing a certificate of registration and vessel decal when, in the judgment of the director of licensing, it is proper to do so.

**WSR 84-06-057  
PROPOSED RULES  
UTILITIES AND  
TRANSPORTATION COMMISSION  
[Filed March 7, 1984]**

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 automatic dialing-announcing devices, WAC 480-120-088. The proposed amendatory section is described in Appendix A under Alternative I and Alternative II, Cause Nos. U-83-51 and U-83-56. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17). Comment is also invited on whether the regulation of automatic dialing-announcing devices should be discontinued, or strengthened, or otherwise modified;

that the agency will at 9:00 a.m., Wednesday, April 11, 1984, in the Commission's Hearing Room, Sixth 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 and 80.04.160.

The specific statute these rules are intended to implement is RCW 80.36.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 6, 1984.

Dated: March 6, 1984  
By: Barry M. Mar  
Secretary

**STATEMENT OF PURPOSE**

In the matter of amending WAC 480-120-088 relating to automatic dialing-announcing devices.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.160 which direct that the commission has authority to implement the provisions of chapter 80.36 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to permit interconnection and use of automatic dialing-announcing devices (ADADs) upon compliance with certain conditions providing for disconnect and prevention of calls to unpublished or emergency numbers, as well as permitting use of emergency ADADs with approval of emergency service agencies.

Barry M. Mar, Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

**APPENDIX "A"  
ALTERNATIVE I**

**AMENDATORY SECTION** (Amending Order R-123, Cause No. U-79-01, filed 2/28/79)

WAC 480-120-088 AUTOMATIC DIALING-ANNOUNCING DEVICES. An automatic dialing-announcing device (ADAD)

may not be operated while connected to the telephone network, except under the following conditions:

(1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or

(2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:

(a) States the nature and length in minutes of the recorded message; and

(b) Identifies the caller and the individual, business, group, or organization for whom the call is being made and a telephone number to which a return call can be placed; and

(c) Asks the called party whether he or she is willing to listen to the recorded message; and

(d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message~~(-); or~~

(3) An ADAD may be used if the recorded message:

(a) Identifies the individual, business, group, or organization for whom the call is being made, the nature and length of the call, and a telephone number to which a return call may be placed; and

(b) Automatically disconnects the telephone connection within two seconds after the called party hangs up the receiver.

As to any ADAD, provision ((s)) must be made to preclude the dialing of unlisted telephone numbers, the dialing of designated public service emergency telephone numbers as listed in published telephone directories, and the dialing of numbers of persons who in writing to the telephone utility have requested exclusion from ADAD calls. Provision must also be made to preclude the ADAD from dialing any telephone number before 8:30 a.m. or after 9:00 p.m.

Before ((am)) any ADAD may be operated while connected to the telephone network, the potential user of such device shall notify the telephone utility in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business, group, or organization operating such ADAD, their address and associated telephone number.

The telephone utility shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five days' notice to the subscriber. If use of the ADAD creates overloading in a telephone company switching office, the utility may suspend or terminate the service with no prior notice.

The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.

No ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification that the equipment can effectively preclude calls to unlisted telephone numbers to designated public service emergency numbers or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls. Upon notification by an ADAD user of its intent to connect to the telephone network, the telephone utility shall provide to the ADAD user the most current list of numbers of persons who have requested exclusion from ADAD calls.

The telephone utility ((may)) shall suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given ((five)) eight business days' notice that unless said subscriber comes into compliance with provisions of this rule said subscriber's telephone service will be suspended, or with no prior notice if use of the ADAD creates overloading in a telephone company switching office. If the subscriber contests in writing said notification, the matter shall be referred to the utility commission and shall be subject to the provisions of WAC 480-120-101.

## ALTERNATIVE II

AMENDATORY SECTION (Amending Order R-123, Cause No. U-79-01, filed 2/28/79)

WAC 480-120-088 AUTOMATIC DIALING-ANNOUNCING DEVICES. An automatic dialing-announcing device (ADAD) may not be operated while connected to the telephone network, except under the following conditions:

(1) An ADAD may be used pursuant to a prior agreement from the called party that he or she desires to receive such telephone communication; or

(2) An ADAD may be used if the recorded message is preceded by an announcement made by a human operator who:

(a) States the nature and length in minutes of the recorded message; and

(b) Identifies the caller and the individual, business, group, or organization for whom the call is being made; and

(c) Asks the called party whether he or she is willing to listen to the recorded message; and

(d) Disconnects from the called party's line if the called party is unwilling to listen to the recorded message.

(3) Provision is made to preclude the dialing of designated public service emergency telephone numbers as listed in published telephone directories, except where the ADAD is designed to deliver a message in response to an emergency situation, and the user obtains approval from any public emergency service agency or telephone subscriber prior to using the ADAD to dial such agency or subscriber.

An emergency ADAD may be connected to the telephone network only under the following conditions:

(a) The ADAD contains sensors that will react only to a steady tone of at least four seconds duration, broadcasts only on frequencies allocated by the FCC for emergency services, and is designed to prevent accidental triggering of emergency calls.

(b) The ADAD provides some audible tone or message that alerts the user that the device has been activated and will automatically dial the preprogrammed emergency number unless manually deactivated within thirty to forty-five seconds.

(c) The ADAD provides for disconnection within two seconds when the called party performs a predetermined function.

(d) The ADAD satisfies applicable state safety requirements.

(e) The user registers the instrument with and receives written approval for its use from the emergency services to which an automatic call would be directed, and secures from such services an approved telephone number or numbers to be programmed into the instrument.

Before ((am)) any ADAD, other than an ADAD designed to deliver a message in response to an emergency situation, may be operated while connected to the telephone network, the potential user of such device shall notify the telephone utility in writing of the intended use of the ADAD equipment. The written notice shall contain a statement of the calendar days and clock hours during which the ADAD(s) will be used and include an estimate of the expected traffic volume in terms of message attempts per hour and average length of completed message. In addition, each utility shall maintain records of such ADAD equipment connected to their facilities and provide the commission with quarterly reports detailing the individual business, group, or organization operating such ADAD, their address and associated telephone number.

The telephone utility shall review the statement of intended use of ADAD equipment to determine whether there is a reasonable probability that use of the equipment will cause overload of the utility's facilities. If the utility finds that a reasonable probability exists that the ADAD operation will overload its network, the utility may refuse to provide connections for the ADAD(s) or provide them subject to conditions necessary to prevent an overload. If, after service has been established, it is determined that the volume of calling originated by the ADAD is degrading the service furnished to others, the utility may suspend or terminate the service after five days' notice to the subscriber. If use of the ADAD creates overloading in a telephone company switching office, the utility may suspend or terminate the service with no prior notice.

The telephone subscriber who uses ADAD equipment shall notify the utility in writing within thirty days of any changes in the ADAD operation which result in either an increase or decrease in traffic volume.

Except for an ADAD designed to deliver a message in response to an emergency situation, no ADAD shall be connected to the network unless the subscriber furnishes the utility with a written certification

that the equipment can effectively preclude calls to designated public service emergency numbers or to any number or series of telephone numbers on a list of telephone subscribers who may be in the future designated by the utility, by regulation or by statute, as subscribers who are not to receive ADAD calls.

The telephone utility (~~may~~) shall suspend or terminate the telephone service of any subscriber who uses an ADAD in violation of the provisions of this rule provided that the subscriber is given ~~(five)~~ eight business days' notice that unless said subscriber comes into compliance with provisions of this rule said subscriber's telephone service will be suspended, or with no prior notice if use of the ADAD creates overloading in a telephone company switching office. If the subscriber contests in writing said notification, the matter shall be referred to the utility commission and shall be subject to the provisions of WAC 480-120-101.

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

### WSR 84-06-058

#### PROPOSED RULES

#### DEPARTMENT OF AGRICULTURE

[Filed March 7, 1984]

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 contemporary grain storage, chapter 16-224 WAC;

that the agency will at 9:30 a.m., Tuesday, April 10, 1984, in the Lincoln Mutual Savings Bank, 107 East 1st, Ritzville, WA 99169, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 18, 1984.

The authority under which these rules are proposed is chapter 22.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 10, 1984.

Dated: March 7, 1984  
By: Norval G. Johanson  
Assistant Director

#### STATEMENT OF PURPOSE

Title: WAC 16-224-010 and 16-224-030.

Description of Purpose: To update the list of station combinations for 1984-85 licensing purposes. To bring the WAC up to current contemporary grain storage needs.

Summary of Rules: Setting procedures for bonding and storing of agricultural commodities.

Drafting, Implementation and Enforcement: Elmer Gibbons, Chief, Warehouse Audit Branch, P.O. Box 11559, Parkwater Station, Spokane, WA 99221.

Person or Agency Proposing Rule: Department of Agriculture to conform to legislation.

Agency Comments: None.

Whether Rule is Necessary as a Result of Federal Law: No.

Economic Impact: No known impact.

#### AMENDATORY SECTION (Amending Order 1687, filed 5/30/80)

WAC 16-224-010 COMBINING CERTAIN WAREHOUSES INTO STATIONS. The department of agriculture will allow the following warehouses to combine certain warehouses into stations as follows:

(1) ACM Feed & Grain, Inc., is combining ~~((Mabton))~~ Prosser and Hogue Ranch into one station - Prosser 722.

(2) Almira Farmers Warehouse Company is combining North Almira, South Almira, Highland, Govan, Almira, Hanson, and Hartline into one station - Almira 179.

(3) Almata Elevator Company is combining Port Almata, Union Center, and Morhonema into one station - Port Almata 187.

(4) Auvil-Warner Company, Inc., is combining Belmont, ~~((Oakesdale))~~ Sahulk, and Warner Siding into one station - Belmont 245.

(5) BNP Lentil Company is combining Farmington, Oaksdale, Pigeon Hollow Farm, and Garfield into one station - Farmington 43.

~~((4))~~ (6) Berger & Plate, Inc., is combining Tekoa, Tilma, ~~((Seltice))~~ and Garfield~~((, and Fensed into))~~ one station - Tekoa 471.

(7) CENEX is combining Othello, Eltopia, and Venner into one station - Othello 820.

~~((5))~~ (8) Central Washington Grain Growers, Inc., is combining Almira, Hanson, Hartline, Coulee City, Grand Coulee, Withrow, Supplee, Waterville, Douglas, Alstown, Mansfield, ~~((and))~~ Brewster, and Wenatchee into one station - Waterville 852.

~~((6))~~ (9) Cheney Grain Growers, Inc., is combining Cheney and Rodna into one station - Cheney 330.

~~((7))~~ (10) Columbia Bean & Produce ~~((Co.))~~ Company, Inc., is combining Wheeler, Block 89, Royal Slope, Homestead, Quincy, ~~((and))~~ Bruce, Toppenish, Basin, and Mattawa into one station - Wheeler 282.

~~((8))~~ (11) Columbia Producers, Inc., is combining Warden ~~((and))~~, Royal City, Whiting Farm, and Howard Kisler Farm into one station - Warden 19.

~~((9))~~ (12) Davenport Union Warehouse Company is combining Davenport, Mondovi, Omans, ~~((and))~~ Hunters, and Ritzville into one station - Davenport 289.

~~((10))~~ (13) Edwall Grain Growers, Inc., is combining Edwall, Canby, Waukon, Sprague, and Edens into one station - Edwall 4.

~~((11))~~ (14) Empire Seed Company is combining Othello, Royal Camp, and Royal City into one station - Othello 256.

(15) Eppich Grain Inc., is combining Royal Slope and Basin City into one station - Royal Slope 28.

~~((12))~~ (16) Fairfield Grain Growers, Inc., is combining Fairfield, and Waverly into one station - Fairfield 525.

~~((13))~~ (17) Fuhrman's Feed & Farm Supply ~~((Co.))~~ Company is combining Kettle Falls, Colville, ~~((and))~~ Chewelah, and Nelson Barn into one station - Kettle Falls 46.

~~((14))~~ (18) Full Circle, Inc., is combining Wheeler, Warden, Quincy, Bruce, ~~((and))~~ Royal City, and Trinidad into one station - Wheeler 887.

~~((15))~~ (19) The Garfield Union Warehouse Company is combining Garfield, Grinnell, Walters, Crabtree, Elberton, and ~~((Sokatk))~~ Eden into one station - Garfield 24.

~~((16))~~ (20) Inland Empire Milling Company is combining Pine City, St. John, and Pleasant Valley into one station - St. John 706.

~~((17))~~ (21) Inland Empire Pea Growers ~~((Assoc.))~~ Association, Inc., is combining Oakesdale, Garfield, Latah, Spangle, Waverly, West Fairfield, Fairfield, and Spokane into one station - Spokane 220.

(22) Johnson Union Warehouse Company, Inc., is combining Johnston, Colton, and Chambers into one station - Johnston 645.

(23) Kittitas Farm Storage Company is combining Kittitas, Ellensburg, and Thrall into one station - Kittitas 250.

~~((18))~~ (24) Lacrosse Grain Growers, Inc., is combining Lacrosse, Pampa, Gordon, Hooper, Schreck, Hay, and Dusty into one station - Lacrosse 131.

~~((19))~~ (25) Lamont Grain Growers, Inc., is combining Lamont and Revere into one station - Lamont 476.

(26) Lentils, Inc., is combining Warner Siding and Oaksdale into one station - Warner Siding 3.

~~((20))~~ (27) Logan Feed, Inc., is combining Wapato, Harrah, and Toppenish into one station - Toppenish 104.

~~((21))~~ (28) Oakesdale Grain Growers, Inc., is combining Oakesdale, Seabury, Fairbanks, Warner, Farmington, and Seltice into one station - Oakesdale 71.

~~((22))~~ (29) Odessa Trading Company is combining Odessa, ~~((Nemo;))~~ Ruff, Batum, Moody, ~~((and))~~ Schmierer, and Warden into one station - Odessa 342.

~~((23))~~ (30) Odessa Union Warehouse Co-op is combining Odessa, Irby, Lamona, Lauer, Reiman, Jantz, Schoonover, Packard, Harrington, Mohler, Downs, Davenport, Egypt, Rocklyn, and Ephrata into one station - Odessa 305.

~~((24))~~ (31) Pendleton Grain Growers, Inc., is combining Prosser, Whitstran, and Wycoff Farms into one station - Prosser 648.

(32) The Pillsbury Company is combining Basin City, Merrills Corner, and Toppenish into one station - Basin City 23.

~~((25))~~ (33) Pomeroy Grain Growers, Inc., is combining Pomeroy, Zumwalt, ~~((Houser;))~~ Dodge, and Central Ferry into one station - Pomeroy 400.

~~((26))~~ (34) Pomeroy Warehouse & Feed ~~((Co;))~~ Company, is combining Pomeroy ~~((and))~~, Gould City, and Central Ferry into one station - Pomeroy 853.

(35) Prairie Grain Company is combining Vista and Pasco into one station - Vista 688.

~~((27))~~ (36) Quincy Farm Chemicals, Inc., is combining Quincy, and ~~((Murphy's Corner))~~ Royal Slope into one station - Quincy 29.

~~((28))~~ (37) Reardan Grain Growers, Inc., is combining Reardan, Gravelle, Eleanor, Hite, ~~((and))~~ Espanola, and Spokane into one station - Reardan 455.

~~((29))~~ (38) Ritzville Warehouse Company, Inc., is combining Ritzville, Tokio, Ralston, Marcellus, Bengel, ~~((and Meier;))~~ Maier, and Keystone into one station - Ritzville 295.

~~((30))~~ (39) Rockford Grain Growers, Inc., is combining Mead, Rockford, ~~((Valleyford;))~~ Freeman, Mt. Hope, Worley, and Setters into one station - Rockford 196.

~~((31))~~ (40) Rosalia Producers, Inc., is combining Rosalia, Plaza, Spring Valley, McCoy, Balder, Spangle, Squaw Canyon, ~~((and))~~ Pine City, and Central Ferry into one station - Rosalia 415.

~~((32))~~ (41) St. John Grain Growers, Inc., is combining St. John, Ewan, Willada, Juno, Sunset, and Pleasant Valley into one station - St. John 534.

~~((33))~~ (42) Spokane Seed Company is combining Spokane, Colfax, Plaza, and ~~((Worley;))~~ Setters into one station - Spokane 452.

~~((34))~~ (43) Sunnyside Grain ~~((Co;))~~ Company, Inc., is combining Sunnyside ~~((and))~~, Mabton, and Ashire Siding into one station - Sunnyside 2.

~~((35))~~ (44) Union Elevator & Warehouse Company, Inc., is combining Lind, Pizarro, Schrag, Paha, Pence, Bauer, ~~((and))~~ R. H. Phillips, and Beatrice into one station - Lind 474.

~~((36))~~ (45) Uniontown Co-operative Association is combining Uniontown ~~((and))~~, Leon, and Willur Gulch into one station - Uniontown 430.

~~((37))~~ (46) United Grain Growers, Inc., is combining Harrington, Mohler, Downs, Bluestem, Wilbur, Sherman, Wheatridge, Govan ~~((and))~~, Creston, Richardson Farm, and Phillips Ranch into one station - Harrington 807.

~~((38))~~ (47) Walla Walla Grain Growers, Inc., is combining Walla Walla, Baker-Langdon, Dixie, Port Kelly, Sapoli, Tracy, Valley Grove, Spring Valley, Reser, Miller, ~~((Whitman;))~~ Gardena, Clyde, Eureka, Pleasant View, Sheffer, Smith Springs, Rulo, Dry Creek, Ennis, ~~((and))~~ Paddock, Wallula into one station - Walla Walla 462.

~~((39))~~ (48) Washtucna Grain Growers, Inc., is combining Washtucna, Sperry, Fletcher, and Sand Hills into one station - Washtucna 653.

~~((40))~~ Western Farmers Association is combining Sprague, Keystone, Quincy, Trinidad, Othello, Eltopia, Venner, Moss Lake, and Ellensburg into one station - Sprague 690.

~~((41))~~ (49) Wheat Growers of Endicott, Inc., is combining Endicott, Thera, and Winona into one station - Endicott 524.

~~((42))~~ (50) Whitman County Growers, Inc., is combining Cashup, Glenwood, Manning, Mockonema, Steptoe, Thornton, Colfax, Albion, ~~((Busby;))~~ Ewartsville, Fallon, Parvin, ~~((Union Center;))~~ Whelan, Pullman, ~~((and))~~ Kitzmiller, and Gravel Pit into one station - Colfax 74.

~~((43))~~ Wickes Agriculture is combining Merrills Corner, Basin City, Toppenish, and Stanfield into one station - Merrills Corner 23.

~~((44))~~ (51) Wilson Creek Union Grain & Trading Company is combining Stratford and Wilson Creek into one station - Wilson Creek 354.

~~((45))~~ L. F. Zwiesler Company, Inc., is combining Ashue Siding and Harrah into one station - Ashue Siding 76.)

#### AMENDATORY SECTION (Amending Order 1802, filed 7/19/83)

##### WAC 16-224-030 CONTEMPORARY GRAIN STORAGE.

(1) Grain may be stored outside the warehouseman's permanent enclosed storage space only under the following conditions:

(a) ~~((When))~~ The warehouseman has no permanent enclosed storage space available.

(b) ~~((The))~~ Outside storage must be on ground properly landscaped to provide adequate drainage and must be approved by the department prior to its use.

(c) ~~((Stockpiles created by a licensed warehouseman at a location))~~ Outside storage not filled through ~~((his/her))~~ the warehouseman's permanent enclosed storage facility ~~((must))~~ shall have a separate letter designation and license fee.

(d) ~~((For outside storage up to thirty-three and one-third percent of the warehousemen's permanent enclosed storage capacity, a net worth of twenty-five cents per bushel must be maintained))~~ The warehouseman shall maintain a net worth of twenty-five cents per bushel in addition to the net worth requirements of WAC 16-212-130 for outside storage which is to be picked up and/or covered and aerated prior to November 1 of any year.

(e) A warehouseman may request the department ~~((of agriculture))~~ to license and approve ~~((his/her))~~ outside storage ~~((in excess of thirty-three and one-third percent of his/her permanent enclosed))~~ that may not be picked up and/or covered by November 1: PROVIDED, That the amount of outside storage ~~((capacity))~~ may not exceed fifty percent of the warehouseman's licensed permanent enclosed storage space. The ~~((warehouseman))~~ department shall ~~((maintain a))~~ grant such request, if it determines after a review of the premises that it is properly landscaped and the warehouseman has a net worth of ~~((thirty-five))~~ seventy-five cents per bushel ~~((on this excess unless it contains adequate aeration and is covered with a covering approved by the department of agriculture, in which case the net worth requirement will be twenty-five cents per bushel))~~. After November 1, a warehouseman shall maintain a net worth of seventy-five cents per bushel for uncovered outside stored grain in addition to the net worth requirements of WAC 16-212-130. A warehouseman may file a written request with the department for up to a thirty day extension to that date if filed by October 15. This request shall indicate the amount and condition of the grain for which the extension is requested, the amount of rainfall received in the area since harvest along with other information that may be necessary to assist the department in evaluating the request. The department shall grant the request, if it determines such an extension does not pose an unreasonable risk of deterioration given the circumstances presented.

(f) All outside storage ~~((must))~~ shall be properly crowned and ~~((must not be in))~~ groomed and free from contact with the side of any building or elevator after October 15 of the crop year.

(2) Violation of this regulation constitutes a violation of chapter 22-.09 RCW and may result in ~~((the))~~ fines and a suspension of the warehouseman's license.

WSR 84-06-059

EXECUTIVE ORDER

OFFICE OF THE GOVERNOR

[EO 84-03]

#### ESTABLISHING THE WASHINGTON STATE TOURISM DEVELOPMENT COMMISSION

Travel and the tourism industry constitute the fastest growing sector of the economy of the nation and of our state. Proper attention to and support for tourism development are essential elements in the revitalization of Washington State's economy. Until recently, effective support has been lacking in an activity that deserves increased resources from both government and the private sector.

The attraction of visitors to this state can enhance the economic well-being of our citizens by increasing the

jobs and income derived from commerce with tourists traveling in the state.

The state has valuable natural beauty and scenic attractions, and the promotion of these attractions by cooperative efforts between the public and private sectors can significantly contribute to economic growth and employment opportunities by developing the tourism sector of this state's economy.

The local, state and regional tourism development organizations are important and contribute significantly to the state's tourism development effort and help to insure that the benefits of increased tourism in Washington accrue to all geographic areas of the state.

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby order that:

I. There shall be established the Washington State Tourism Development Commission.

II. The Chair of the Commission shall be appointed by the Governor.

III. The Commission shall be composed of twenty-one members and shall include representatives of tourism development organizations, the various geographical areas of the state, and groups of the state tourism industry, including but not limited to the eight state regional tourism development organizations, local and state visitors' organizations/associations, hotels, motels, airlines, restaurants, tourist attractions, inbound travel tours, small businesses, chambers of commerce, and labor.

Four members shall be members of the legislature, two to be appointed from the senate by the president of the senate and two to be appointed from the house of representatives by the speaker of the house. There shall be one democrat and one republican from the house of representatives and one democrat and one republican from the senate appointed to the commission.

The state tourism division director shall serve on the commission.

IV. In addition to the powers set forth in ESHB 1511, the commission shall have the following responsibilities:

(1) To advise the governor and legislature on tourism-development, including advice on state, regional, national, and international tourism development issues;

(2) To prepare and submit a plan to the governor and legislature by January 1, 1985, which shall:

(a) Examine the structure and contributions of the local, regional, and state tourism development agencies;

(b) Identify the appropriate role for and involvement of the private sector, and state and local agencies in state tourism development;

(c) Determine the feasibility and desirability of private sector administration and funding, through various funding methods including dollar-for-dollar and in-kind state-private sector matches, of a coordinated state tourism development program;

(d) Consider specific strategies to increase the private sector's role and involvement in tourism development policy formulation and support of state and regional tourism development efforts; and

(e) Recommend state policies which will facilitate the development of tourism throughout the state;

(3) To coordinate its activities with those of the state, the private sector, and local governments so as to eliminate duplication of effort, while emphasizing a tourism development program which creates and retains jobs, and continues and increases the numbers of profitable businesses benefiting from tourism;

(4) To secure the cooperation of any department, agency, or instrumentality in state or local government and other associations and other groups affected by or concerned with the business of the commission;

(5) To solicit such private contributions as may be necessary to enable the commission to conduct its activities in accordance with applicable state laws;

(6) To hold such public hearings as it deems necessary; and

(7) To meet at such times and places it deems proper.

V. The commission is to act as a sounding board and a source of ideas for the state's tourism development efforts and to suggest cooperative efforts in advertising and marketing. In so doing the commission shall in every practicable way attempt to involve and address legislative and private sector concerns regarding the state's future role in continuing to develop the tourism sector of the state's economy.

VI. The commission shall recommend to the Governor and to the Department of Commerce and Economic Development such programs and policies as may be necessary in order to increase employment and economic activity within the tourism sector of our state's economy and shall review the department's biennial tourism budget submission prior to its submission to the Governor and offer any comments it deems appropriate.

VII. This order supercedes and terminates EO 82-08 and shall expire on June 30, 1985. This commission shall terminate its activities at that time unless otherwise re-enacted by law.

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 5th day of March, A.D., Nineteen Hundred and Eighty-four.

John Spellman

Governor of Washington

BY THE GOVERNOR:

Laura Eckert

Asst. Secretary of State

**Reviser's note:** The spelling error in the above material appeared in the original copy of the executive order and appears herein pursuant to the requirements of RCW 34.08.040.

**WSR 84-06-060**  
ATTORNEY GENERAL OPINION  
Cite as: AGO 1984 No. 9  
[March 6, 1984]

OFFICES AND OFFICERS—COUNTY—COMMISSIONERS—SHERIFF—SALARIES OR COMPENSATION—AUTHORITY TO FIX SALARIES OF DEPUTY SHERIFFS

RCW 41.14.140 does not authorize, or empower, a county sheriff to fix the compensation of his deputies without regard to what the board of county commissioners might have determined.

Requested by:

Honorable James P. McNally  
Prosecuting Attorney  
Pend Oreille County  
P.O. Box 470  
Newport, WA 99156

**WSR 84-06-061**  
ADOPTED RULES  
HORSE RACING COMMISSION  
[Order 84-01—Filed March 7, 1984]

Be it resolved by the Washington Horse Racing Commission, acting at the Marriott Hotel, 3201 South 176th, Seattle, Washington, that it does adopt the annexed rules relating to:

Amd	WAC 260-70-010	Definitions of terms "bleeder" and "bleeder list."
Amd	WAC 260-70-021	Prohibition of medication in two-year old horses.
New	WAC 260-70-025	Creation of a "bleeder list."
New	WAC 260-70-026	Bleeder treatment.
New	WAC 260-70-027	Reciprocity of the bleeder list.
New	WAC 260-70-028	Use of a detention stall.
New	WAC 260-70-029	Use of a receiving barn.
New	WAC 260-70-031	Reporting to a receiving barn.
New	WAC 260-70-032	Exclusion from receiving barn.
Amd	WAC 260-70-090	Specifying other permitted medication.
Amd	WAC 260-70-100	Penalty for furosemide use if horse is not on the official bleeder list.

This action is taken pursuant to Notice No. WSR 84-04-061 filed with the code reviser on January 31, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the Washington Horse Racing Commission as authorized in RCW 67.16.020 and 67.16.040.

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

APPROVED AND ADOPTED March 6, 1984.

By Will Bachofner  
Chairman

AMENDATORY SECTION (Amending Order 75.5, filed 10/17/75)

WAC 260-70-010 DEFINITIONS APPLICABLE TO CHAPTER 260-70 WAC. As used in this chapter (~~(260-70 WAC)~~), unless the context clearly requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" (~~(shaf)~~) means and includes any substance used to treat, cure, and prevent disease, relieve pain, or improve or preserve health, including vitamins, food additives, minerals, and domestic remedies.

(2) "Prohibited drugs" (~~(shaf)~~) means ~~((+))~~ (a) any medication or metabolic derivatives thereof which is a narcotic, or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse; or ~~(,-(2))~~ (b) any interfering substance; or ~~((+))~~ (c) Phenylbutazone carried in the body of a two year old horse in violation of WAC 260-70-090.

(3) "Interfering substance" or "interfere" (~~(shaf)~~) means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Phenylbutazone" (~~(shaf)~~) means phenylbutazone, oxyphenylbutazone, or their derivatives or metabolites thereof.

(5) "Bleeder" means a horse which hemorrhages from the respiratory tract during a race or within one hour-post race or during exercise or within one hour of such exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission.

AMENDATORY SECTION (Amending Order 82-01, filed 1/20/82)

WAC 260-70-021 MEDICATION STANDARDS. (1) No horse shall have in its body any prohibited drug while participating in a race.

(2) No person shall administer, attempt to administer, or aid or abet in the administration of, any medication or drug to a horse on the day of a race in which the horse is entered prior to the race except in accordance with this rule.

(3) Subject to the provisions of this rule, medication calculated to improve or protect the health of a horse may be administered to a horse in training.

(4) The administration of medication to any horse on race day, except as hereinafter provided, is prohibited. For the purpose of this rule, the day of the race shall be deemed to commence at 9:00 p.m. on the day preceding the race.

(5) Nutritional aids, administered orally only, will be permitted at any time.

(6) Approved nonsteroidal anti-inflammatory drugs (NSAIDS) may be administered to a horse, but not on race day. No more than one of the NSAIDS may be used on or carried in a horse's body at any one time.

(7) Notwithstanding any other provision of this rule, no two-year old horse shall carry in its body while participating in a race any medication, including medications defined in WAC 260-70-010 (1) through (4) and 260-70-090 (1) through (5). Vitamins are permitted, however. The finding of any medication prohibited herein in a two-year old horse participating in a race shall disqualify the owner of such horse from participating in the purse distribution; and in addition the stewards may take any authorized action they may consider necessary to preserve the integrity of racing.

(8) In the case of delayed-release substances, the time of administration shall be deemed that time at which such medication, drug, or substance is released within the body of a horse.

#### NEW SECTION

WAC 260-70-025 BLEEDER LIST. A horse which during the race or following the race, or which during exercise or following exercise is found to be hemorrhaging from one or both nostrils or is found to have bled internally, is eligible to be placed on a bleeder list and treated on race day to prevent bleeding during its race. In order to obtain authorization for race day treatment of the bleeder, the trainer must obtain a certificate of examination from the commission veterinarian and the horse is then placed on the official bleeder list. The commission veterinarian must, by examination, and/or in consultation with the stewards, establish that the horse did in fact hemorrhage from one or both nostrils or that an endoscopic examination in the test barn of the horse showed observable amounts of free blood in the respiratory tract. When confirmed by the commission veterinarian, the horse shall be placed on the bleeder list which is maintained by the commission veterinarian. Once on the list, a horse shall be removed from the bleeder list only upon the directions of the commission veterinarian, who must certify in writing to the commission his recommendation for removal of the horse from the list. The list is a state-wide list and applies at all race meetings at Longacres, Playfair, and Yakima Meadows.

Once a horse is placed on the bleeder list, the horse must be assigned to a pre-race security stall, to be known as a detention stall, no later than four hours prior to the scheduled post time for any race in which it is entered to start. The detention stall is assigned by the commission veterinarian and may at his discretion be the stall regularly assigned that horse for its customary stabling. Once placed in the detention stall, a horse must remain there until it is taken to the receiving barn or to the paddock to be saddled or harnessed for the race, except that the stewards may permit horses to leave the secured stall to engage in exercise blowouts or warm-up heats. If the horse on the bleeder list is assigned as a detention stall its regular stall, that stall must be posted and the stall must be under direct observation of a responsible, licensed employee of the trainer or the owner.

Where facilities permit, the commission veterinarian may designate a secured area and assign stalls within that secured area to those horses on the bleeder list who are entered to race that day or night.

#### NEW SECTION

WAC 260-70-026 BLEEDER TREATMENT. A horse on the bleeder list must be treated at least four hours prior to post time with bleeder medication, which may be furosemide. No other medication is permitted for bleeder treatment unless or except as approved by the commission. Bleeder medication must be administered in the manner approved by the commission veterinarian, and furosemide by oral administration is NOT PERMITTED for such purposes. The bleeder medication shall be administered by the horse's regular veterinarian, and may be witnessed by the commission veterinarian or his designee.

#### NEW SECTION

WAC 260-70-027 RECIPROCITY OF BLEEDER LIST. A bleeder horse shipped into Washington from another racing jurisdiction must comply with Washington rules. However, a horse on a bleeder list in another racing jurisdiction may be placed on the Washington bleeder list provided a current certificate from the jurisdiction where it was confirmed on the bleeder list is presented to the commission veterinarian and, it is approved by the commission veterinarian.

#### NEW SECTION

WAC 260-70-028 DETENTION STALL. Every trainer whose horse is on the bleeder list and is to be administered bleeder medication in accordance with the rules, must obtain a detention stall assignment from the commission veterinarian and will be provided a detention stall sign. The trainer must post the detention stall sign in a readily visible location at the detention stall to be used and the trainer must have a responsible, licensed person remain in close proximity to that stall between the time the horse has been administered the bleeder medication and the time it leaves for the receiving barn or paddock in preparation for a race. Close proximity means that the licensed person must be in a position to observe and to prevent any unauthorized person from



approaching the horse. If the horse is found to be unattended during that period or found to have been tampered with during that period, the trainer will be deemed negligent in the performing of required duties.

No unauthorized person shall approach the posted detention stall. If any unauthorized person does approach the posted detention stall, a report of the incident is to be made immediately to the commission veterinarian or to the stewards.

#### NEW SECTION

WAC 260-70-029 RECEIVING BARN. Longacres, Playfair, and Yakima Meadows shall set aside a receiving barn area approved by the commission.

#### NEW SECTION

WAC 260-70-031 REPORTING TO RECEIVING BARN. A horse shall not be qualified to start in a race unless his presence at the receiving barn at the time designated by the stewards is reported to the commission veterinarian, and no trainer shall fail to cause a horse in his care to report to the receiving barn at the designated time.

#### NEW SECTION

WAC 260-70-032 EXCLUSION FROM RECEIVING AND DETENTION BARN. The commission veterinarian shall exclude from the receiving and detention barn all horses not participating in a race or being schooled to race and all persons who are not required for attendance on such horses. No person shall enter the stall in the receiving barn of a horse scheduled to race except with permission of the custodian of the barn or the commission veterinarian. No person shall inspect any horse in the receiving barn which is not owned, trained or cared for by him, nor refuse to leave when ordered to do so by the custodian or the commission veterinarian.

#### AMENDATORY SECTION (Amending Order 79-03, filed 5/7/80)

WAC 260-70-090 PERMITTED MEDICATION. Horses using permitted medication are subject to all rules governing such medication plus these additional rules:

(1) ~~((No horse while participating in a race shall carry in its body more than 165 micrograms per milliliter of urine of phenylbutazone.))~~ PHENYLBUTAZONE and OXYPHENYLBUTAZONE shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites and analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites and analogs per milliliter of urine.

(2) NAPROXEN shall be administered in such dosage amount that the test sample shall contain not more than 5 micrograms of the drug substance, its metabolites or analogs per milliliter of blood plasma or more than 165 micrograms of the drug substance, its metabolites or analogs per milliliter of urine.

(3) FLUNIXIN shall be administered in such dosage amount that the test sample shall not contain more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

(4) MECLOFENAMIC ACID shall be administered in such dosage amount that the test sample shall contain not more than 1 microgram of the drug substance, its metabolites or analogs per milliliter of blood plasma.

~~((2))~~ (5) No horse on a program of permitted medication shall be permitted to race without such medication unless authorized to do so by the stewards or their representative.

#### AMENDATORY SECTION (Amending Order 83-04, filed 9/19/83)

WAC 260-70-100 PENALTIES RELATING TO MISUSE OF PERMITTED MEDICATION. Should the laboratory analysis of urine or blood taken from a horse, other than a two-year old, show the presence of more than one approved nonsteroidal anti-inflammatory drug (NSAID) in violation of WAC 260-70-021, or the presence of phenylbutazone in excess of the quantities authorized by WAC 260-70-090, or, the presence of furosemide without permission from the commission veterinarian, the stewards or commission shall levy the following penalties against each person found responsible:

(1) For a first offense within any calendar year, a fine of \$300;

(2) The second offense, within any calendar year, \$1,000;

(3) For a third offense, within any calendar year, license suspension for one year.

If any NSAID or other permitted medication is found in the body of a horse which alone or in combination with a second medication is of such a quantity so as to interfere with the testing process the penalties for use of a prohibited drug or medication shall apply irrespective of the provisions of this rule. The finding of any diuretic, including Lasix (furosemide), in the body of a horse shall constitute the presence of an interfering substance and the penalties for use of a prohibited drug or medication shall apply, unless the horse is on the official commission bleeder list.

#### WSR 84-06-062

#### PROPOSED RULES

#### LIQUOR CONTROL BOARD

[Filed March 7, 1984]

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 Brewers—Importers—Wholesalers—Monthly reports—Tax refund procedures, WAC 314-20-010 and Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax, WAC 314-24-110;

that the agency will at 9:30 a.m., Wednesday, April 11, 1984, 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.

The specific statute these rules are intended to implement is RCW 66.24.290, 66.24.210 and 82.02.030.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

Dated: March 7, 1984

By: L. H. Pedersen  
Member

#### STATEMENT OF PURPOSE

Title: WAC 314-20-010 Brewers—Importers—Wholesalers—Monthly reports—Tax refund procedures; and WAC 314-24-110 Domestic wineries, wine wholesalers, wine importers—Monthly reports—Bonds required—Payment of tax.

Description of Purpose: To allow the board to make arrangements for reporting and payment of beer and wine taxes on an individual licensee basis where an in-state licensee purchases beer and/or wine primarily for export from the state.

Statutory Rule-Making Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.24.290, 66.24.210 and 82.02.030.

Summary of Rule: The addition of subsection (7) to WAC 314-20-010 and 314-24-110 will allow the board to make different reporting arrangements for licensees who purchase beer and/or wine primarily for export as compared to licensees who purchase beer and/or wine for sale within the state of Washington. Current requirements for reporting and payment of beer and/or wine taxes are standard for all licensees within class. Adoption of these rule changes will permit necessary flexibility so that individual situations can be addressed to the mutual benefit of the licensees and the board without any loss of control. For example, in the case of a licensed Washington wine importer/wholesaler, the tax is normally paid by the first wholesaler purchasing the wine; and then if it is exported from the state, he may put in for a tax refund. In the case of United States-produced beer, a licensed Washington beer importer/wholesaler would normally purchase the beer from a brewery already tax paid; and then if it were exported from the state, he could seek a tax refund. This change in the rules would allow the board to change the reporting and payment of tax procedures so the importer/wholesaler could purchase the wine or beer tax free and then only pay the tax on that which is later sold, if any, to another in-state licensee.

Reason Supporting Proposed Action: The proposed action will simplify the accounting requirements for both the affected licensees and for the accounting department of the board with no loss of control.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing, and enforcing this rule: James

E. Hoing, Controller, Financial Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6290.

Person or Organization Proposed Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: These changes to the rules will allow the accounting department of the financial division of the board to be more productive, and it will reduce the reporting requirements for licensees under certain circumstances without any loss of control.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for existing businesses is estimated to be zero.

#### AMENDATORY SECTION (Amending Order 85, Resolution 94, filed 10/28/81)

WAC 314-20-010 BREWERS—IMPORTERS—WHOLESALEERS—MONTHLY REPORTS—TAX REFUND PROCEDURES. (1) The holders of licenses to manufacture malt liquors within the state of Washington and holders of certificates of approval and importers who import malt liquors manufactured outside the United States must at all times when said licenses or certificates of approval are in force have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board, which bond shall be payable to the Washington state liquor control board and conditioned that such licensee or holder of certificate of approval will pay to the board the tax levied by virtue of RCW 66.24.290 (sec. 24 of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture malt liquors within the state of Washington shall, in addition to the statement required to be made by RCW 66.24.280 (sec. 23F (1) of the Washington State Liquor Act), on or before the twentieth day of each month make a report to the board upon forms furnished by the board, of all sales of beer in and out of the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon including beer furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

(3) Every person, firm or corporation holding a license to import beer into the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month of all beer imported into the state during the preceding calendar month, and shall at the same time pay to the board the tax due thereon: PROVIDED, HOWEVER, That said tax shall be paid on behalf of the importer of such beer by the holders of certificates of approval at the time that said holders of certificates of approval furnish to the board the report required under RCW 66.24.270 and WAC 314-20-170: PROVIDED FURTHER, That the report method of payment of tax shall be exclusive of any other method. In the event beer has been imported into the state of Washington upon which the tax has not been paid, or payment arranged as herein provided, the beer importer shall pay the tax due thereon including beer received and/or furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040.

(4) Failure to make such report or pay said tax at the time prescribed will be sufficient ground for the board to forthwith suspend or cancel the license privilege of the delinquent brewer or importer or the certificate of approval of the brewer located outside the state of Washington. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of sale. In addition, in case of any such delinquency, the board shall immediately give notice to the surety on such brewer's, importer's or certificate of approval holder's bond and shall take such action as is thereafter deemed necessary by the board to collect any said tax which it finds is due.

(5) In consideration of the foregoing requirements, revenue stamps evidencing payment of said tax shall not be used on any package containing beer manufactured by brewers within the state or imported into the state by a beer importer, nor shall it be required that "in transit" stamps be affixed to packages containing any beer manufactured in the state of Washington when the same is exported directly to a point outside the geographical confines of the state by such manufacturers.

Neither shall it be required that "in transit" stamps be affixed to packages of beer being shipped in interstate commerce from one point outside this state, through this state, to another point outside the geographical confines of this state. In the case of beer manufactured by a brewer within the state or imported into the state of Washington by a beer importer and either sold to beer wholesalers for export from the state or exported directly by the importer, such manufacturer or importer must either pay the tax on beer so sold or affix "in transit" stamps, if not previously affixed, to all packages containing such beer, as provided in WAC 314-20-040(1).

(6) Beer wholesalers or beer importers who export beer to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.290 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, beer sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. Such tax shall not be paid on beer being shipped in interstate commerce from a point outside this state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of tax where an in-state licensee purchases beer from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

**AMENDATORY SECTION** (Amending Order 85, Resolution 94, filed 10/28/81)

WAC 314-24-110 DOMESTIC WINERIES, WINE WHOLESALEERS, WINE IMPORTERS—MONTHLY REPORTS—BONDS REQUIRED—PAYMENT OF TAX. (1) Every domestic winery which is licensed to sell wine of its own production at retail on the winery premises pursuant to chapter 66.24 RCW, and every holder of a wine wholesaler's license must at all times when said license is in force, have in effect and on file with the board a bond executed by any surety authorized to do business in the state of Washington, in form and amount acceptable to the board. The said bond shall be payable to the Washington state liquor control board and conditioned that such domestic winery and wine wholesaler will pay to the board the tax of twenty and one-fourth cents per liter levied by reason of RCW 66.24-.210 (section 24-A of the Washington State Liquor Act).

(2) Every person, firm or corporation holding a license to manufacture or produce wine within the state of Washington shall, on or before the twentieth day of each month, submit to the board, upon forms furnished by the board, reports showing all transactions in wine manufactured or produced on the winery premises, including such wine sold at retail on such premises and wine sold to licensees within the state.

(3) At the time of making such monthly reports to the board, the domestic winery shall pay to the board the wine tax of twenty and one-fourth cents per liter on wine sold at retail on the winery premises, as provided in RCW 66.28.010; on wine sold under a wine wholesaler's license to retail licensees; and on wine furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040: PROVIDED, That such tax shall not apply or be paid on sales to Washington wine wholesalers, on inter-winery shipments, nor to shipments exported directly by a domestic winery to a point outside the state of Washington, nor on its sales to the Washington state liquor control board.

(4) Every person, firm or corporation holding a wine importer's license or a wine wholesaler's license in the state of Washington shall make a report to the board, upon forms furnished by the board, on or before the twentieth day of each month, of all wine that such importer or wholesaler has purchased and received during the preceding calendar month on which the wine tax has not been paid. The tax of twenty and one-fourth cents per liter shall be paid by a wine wholesaler upon first acquisition of wine on which such tax has not been previously paid, including wine received and/or furnished as samples to authorized licensees for the purpose of negotiating a sale as provided in RCW 66.28.040, and shall be remitted to the board at the time of filing the monthly report required in this subsection. Such tax shall apply to sales by a wine wholesaler to the Washington state liquor control board. The report method of payment of tax shall be exclusive of any other method. Where a wine importer does not also hold a wine

wholesaler's license, the wine importer shall pay the wine tax on any wines received and/or furnished as samples.

(5) Failure to make such report, or pay said tax where required, at the time prescribed will be sufficient cause for the board to forthwith suspend or cancel the license privilege of the delinquent domestic winery, wine importer, or wine wholesaler. A two percent penalty per month, or portion of a month, will be assessed on any tax payments postmarked after the twentieth day following the month of purchase. In addition, in case of any such tax delinquency, the board shall immediately give notice to the surety on such domestic winery or wine wholesaler's bond and shall take such action as is thereafter deemed necessary by the board to collect any of said tax which it finds is due.

(6) Wine wholesalers or wine importers who export wine to a point outside the geographical confines of the state of Washington upon which the tax imposed by RCW 66.24.210 has been paid may claim a refund or tax credit of said tax on forms prescribed and furnished by the board. For the purpose of this regulation, wine sold and delivered to interstate commercial common passenger carriers holding licenses pursuant to chapter 245, Laws of 1975 1st ex. sess., or for use within the confines of any military reservation over which the state does not exercise jurisdiction shall be considered exported from the state. The wine tax shall not be paid on wine being shipped in interstate commerce from one point outside this state directly through the state to another point outside the geographical confines of this state.

(7) The board may make other arrangements for reporting and payment of tax where an in-state licensee purchases wine from within and/or without the state of Washington primarily for export from the state. Such arrangements would be on an individual basis and would be for the purpose of simplifying the reporting and accounting requirements.

**WSR 84-06-063**  
**PROPOSED RULES**  
**LIQUOR CONTROL BOARD**  
[Filed March 7, 1984]

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 minimum qualifications for issuance of a class P license, new WAC 314-16-205;

that the agency will at 10:00 a.m., Wednesday, April 11, 1984, 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 66.98.070.

The specific statute these rules are intended to implement is RCW 66.24.550.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

Dated: March 7, 1984

By: L. H. Pedersen  
Member

**STATEMENT OF PURPOSE**

Title: WAC 314-16-205 Minimum qualifications for issuance of a class P license.

Description of Purpose: The purpose of this rule is to provide minimum criteria for the board's issuance of class P licenses pursuant to the provisions of RCW 66.24.550.

Statutory Rule-Making Authority: RCW 66.08.030 and 66.98.070.

Statutes Implemented by the Rule: RCW 66.24.550.

Summary of Rule: This new rule will provide minimum qualifications that are necessary prior to consideration being given by the board to the issuance of class P licenses. The mere fact that the applicant meets these minimum qualifications does not mean that he/she has a vested right to the license. The applicant must be in a business solely engaged in the delivery of gifts at retail, such business having been established and in operation for a minimum of three months. The sale of wine for gift delivery shall not be the principal business or activity of the licensee.

Reasons Supporting Proposed Action: The board has the authority to issue class P licenses under the provisions of RCW 66.24.550. However, presently interpreted, the board has no standards to qualify applicants for a class P license or for considering license renewal for such class. This new proposed rule will establish requirements, guidelines, and standards of operation for proposed class P operators.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing, and enforcing this rule: Ray Hensel, Supervisor, License Division, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6259; and Bob Obenland, Chief Enforcement Officer, Capital Plaza Building, Olympia, WA 98504, Phone: (206) 753-6270.

Person or Organization Proposing Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: This will provide information to applicants and licensees with respect to the minimum qualifications and requirements for continued licensure for a class P license.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for existing businesses is estimated to be zero.

#### NEW SECTION

WAC 314-16-205 MINIMUM QUALIFICATIONS FOR ISSUANCE OF A CLASS P LICENSE. The decision as to whether or not a class P license authorized by RCW 66.24.550 will be issued in a particular case is, pursuant to RCW 66.24.010(2), a matter of board discretion. While the following minimum qualifications must be present before the board will give consideration to the issuance of a class P license, the fact that an applicant meets the qualifications set forth in subsections (1) and (2) hereof does not establish a vested right that such license shall issue.

(1) The applicant must be in a business solely engaged in the delivery of gifts at retail, such business having been established and in operation for a minimum of three months prior to submission of the application for a class P license. The term "gifts at retail" as used in RCW 66.24.550 shall be interpreted as referring to "goods" and shall not include "services."

(2) The sale and delivery of wine under a class P license shall be an adjunct to and not constitute the only retail gift delivery service business of the licensee.

(3) The restrictions on license issuance as specified in RCW 66.24.550, and in subsections (1) and (2) hereof, shall be construed to be continuing conditions for retaining the class P license.

WSR 84-06-064

PROPOSED RULES

### LIQUOR CONTROL BOARD

[Filed March 7, 1984]

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 Issuance fee—Restrictions, amending WAC 314-18-040;

that the agency will at 10:30 a.m., Wednesday, April 11, 1984, 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, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.08.010, 66.08.030(1) and (2) and 66.20.010(3).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 11, 1984.

Dated: March 7, 1984

By: L. H. Pedersen  
Member

#### STATEMENT OF PURPOSE

Title: WAC 314-18-040 Issuance fee—Restrictions.

Description of Purpose: The purpose of this amendment is to expand on the issuance criteria for banquet permits where such permits are issued for a liquor event held in a state armory used for military purposes.

Statutory Rule-Making Authority: RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.08.010, 66.08.030(1) and (2) and 66.20.010(3).

Summary of Rule: In order to obtain a banquet permit for a liquor event to be held in a state armory used for military purposes, the banquet permit applicant must furnish the written approval of the adjutant general or his/her designee both to the Liquor Control Board and to the chief law enforcement in whose jurisdiction the state armory is located.

Reason Supporting Proposed Action: RCW 38.20.010 provides that state-owned armories should be available (rentable) for casual civic purposes at the discretion of the adjutant general. RCW 38.32.120 provides, in part, that approval of the adjutant general is required for issuance of a liquor license within 300 feet of an armory used by the state of Washington for military purposes. WAC 314-18-040 now requires that before a banquet permit (which are not licenses to sell liquor) may be issued for a function in a city or county park, elementary, high school or college campus (public or private), written approval must be furnished by the applicant from the appropriate local authority or official. Based on the referenced Title 38 statutes and the fact that state armories are storage repositories for military weapons and

ammunition, it is felt that the prior approval requirement, to include notifying local law enforcement, is appropriate.

**Agency Personnel Involved:** In addition to the board, the following agency personnel have responsibility for drafting, implementing, and enforcing this rule: Robert D. Obenland, Chief Enforcement Officer, Capital Plaza Building, Olympia, WA 98504, Telephone: (206) 753-6270; Gary W. Gilbert, Assistant Chief Enforcement Officer, Capital Plaza Building, Olympia, WA 98504, Telephone: (206) 753-6274; Ray Hensel, Supervisor, Licenses, Capital Plaza Building, Olympia, WA 98504, Telephone: (206) 753-6259; and Lowell Hanson, Operations Supervisor, Stores and Agencies Division, 4401 E. Marginal Way South, Seattle, WA 98134, Telephone: (206) 576-6860.

**Person or Organization Proposing Rule:** This rule was proposed by the Washington State Liquor Control Board.

**Agency Comments:** None.

**Necessity of Rule:** This rule was not made necessary as a result of federal law or federal or state court action.

**Small Business Economic Impact Statement:** Cost impact for both small and large businesses is estimated to be minimal to zero.

**AMENDATORY SECTION** (Amending Order 110 and 112, Resolution No. 119 and 121, filed 8/4/82)

**WAC 314-18-040 ISSUANCE FEE—RESTRICTIONS.** (1) Banquet permits may be issued by the board's stores and agencies to qualified applicants on forms provided by the board; the fee for each banquet permit will be ten dollars.

(2) Except for outdoor areas, banquet permits will only be issued for use at premises that are or can be arranged so that the general public can be excluded therefrom.

(3) Where the application is for a banquet to be held either partially or wholly out-of-doors, the following restrictions will apply:

(a) State parks: State parks are exempt from the law requiring a license or permit to consume liquor in a public place (RCW 66.04.011). Banquet permits shall not be issued for the service and consumption of liquor in state parks.

(b) City and county parks: Applicants will be issued banquet permits only upon presentation of written approval from the appropriate local authority for the banquet applied for.

(c) Commercial parks (privately owned and operated): Store and agency managers may issue banquet permits for use in such commercial parks even though the event is to be held partly or wholly out-of-doors.

(d) All other outdoor areas: Issuance is conditioned upon approval of the area liquor enforcement officer.

(4) Where the application is for a banquet permit for an event to be held on a college or university campus or upon the premises of an elementary or high school, public or private; permits will be issued provided that approval, in writing, by an appropriate official of the college, university, elementary, or high school is furnished with the application.

(5) When the application is for a banquet permit for an event to be held in or at a state armory used for military purposes, permits will be issued provided that approval, in writing, by the adjutant general or his/her designee is furnished by the applicant to the board and to the chief of police of the incorporated city or town in which the armory is located or to the county sheriff if the armory is located outside the boundaries of incorporated cities or towns.

(6) Banquet permits will not be issued:

(a) For use at premises that have a license issued by the board that is or will be suspended on the date of the scheduled banquet.

(b) For functions held in a tavern.

~~((6))~~ (7) The event for which the banquet permit application is made cannot be open to the public through general admission ticket sales.

~~((7))~~ (8) The event for which the banquet permit application is made cannot be open to the public or advertised to the public.

~~((6))~~ (9) Approval of the area enforcement officer is required for banquet permits intended for use in the cocktail lounge facilities or tap rooms of Class A, C, D, or H licensed premises, including hotels, restaurants, and clubs, unless the entire premises under the control of the licensee is devoted to the banquet, and then only if all licensee liquor is removed from view and securely isolated.

**WSR 84-06-065**  
**PROPOSED RULES**  
**HIGHER EDUCATION**  
**PERSONNEL BOARD**

[Filed March 7, 1984]

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

- |     |                |   |
|-----|----------------|---|
| Amd | WAC 251-04-020 | Definitions, by adding new definitions of "examinations" and "final examination score".   |
| New | WAC 251-10-112 | Medical examination—Current employee, to allow for medical examinations of current employees as previously included in WAC 251-18-160.                  |
| Amd | WAC 251-18-010 | Examination—Requirement—Definition, to specifically provide for the establishment of examination procedures.  |
| New | WAC 251-18-011 | Organizational unit—Establishment, to permit establishment of organizational units for purposes of employment as previously included in WAC 251-18-170. |
| New | WAC 251-18-012 | Eligible list—Related list, to permit for substitution of lists for related classes as previously included in WAC 251-18-175.                           |
| New | WAC 251-18-015 | Noncompetitive service, to permit approval of classes to be in the noncompetitive service.  |
| Amd | WAC 251-18-020 | Recruitment notice—Publicity—Duration, to clarify the responsibilities of the personnel officer and the types of recruitment notices.                   |
| Rep | WAC 251-18-025 | Recruitment notice—Exception—Training, add provisions to WAC 251-18-060.  |
| Rep | WAC 251-18-030 | Recruitment notice—Content, include in procedures specified in WAC 251-18-010(2).   |
| Amd | WAC 251-18-050 | Examination administration, by removing procedural material from rule and including in procedures specified in WAC 251-18-010(2).                       |
| Amd | WAC 251-18-060 | Examination—Eligibility, by removing procedural material from rule and including in procedures specified in WAC 251-18-010(2).                          |
| Amd | WAC 251-18-070 | Application forms—Acceptance, by providing for timely filing on prescribed application forms.   |
| Rep | WAC 251-18-080 | Application—Acceptance, to permit institutions to specify standards for timely filing of application forms.   |
| Rep | WAC 251-18-100 | Application—Admission to examination, include in procedures specified in WAC 251-18-010(2).   |
| Amd | WAC 251-18-110 | Application—Disqualification—Rejection, by modifying applicant's right of appeal to include review by personnel officer of examination.                 |

- Rep WAC 251-18-115 Examination—Eligibility—Right of appeal or review, include in new WAC 251-18-145.
- Amd WAC 251-18-120 Applicants—Anonymity, by removing procedural material and including in procedures specified in WAC 251-18-010(2).
- Amd WAC 251-18-130 Veterans preference, by clarifying language with regard to preference.
- Amd WAC 251-18-140 Examination results—Notification, by clarifying the requirements for notification of applicants and adds a review by the personnel officer to an applicant's right of review and appeal per new WAC 251-18-145.
- New WAC 251-18-145 Examination—Eligibility—Right of appeal, by establishing rights of appeal which previously were included in WAC 251-18-115.
- Rep WAC 251-18-150 Reexamination—Procedure, include in procedures specified in WAC 251-18-010(2).
- Amd WAC 251-18-160 Examination—Medical, by removing medical examination of current employees and including in new WAC 251-10-112.
- Rep WAC 251-18-170 Eligible lists—Establishment, include in new WAC 251-18-011.
- Rep WAC 251-18-175 Eligible list—Related list, add provisions in new WAC 251-18-012.
- Amd WAC 251-18-180 Eligible lists—Definition—Composition, by clarifying the definitions of the various lists and permitting establishment of combine eligible lists as previously included in WAC 251-18-181.
- Rep WAC 251-18-181 Eligible lists—Combined, include in WAC 251-18-180.
- Amd WAC 251-18-190 Eligible lists—Duration, by clarifying the language and reducing the duration of eligibility on open-competitive lists to six months.
- Amd WAC 251-18-200 Eligible lists—Removal of name—Notification, by clarifying requirements for removal of name from eligible list.
- Rep WAC 251-18-230 Certification—Request for, include in procedures specified in WAC 251-18-010(2).
- Amd WAC 251-18-240 Certification method, by clarifying requirements for certifying names for vacancies.
- Amd WAC 251-18-260 Certification—Incomplete, by clarifying requirements when incomplete certification may be made.
- Amd WAC 251-18-265 Certification—Concurrent, by clarifying requirements for certifying eligibles concurrently for positions in a class.
- Amd WAC 251-18-270 Certification—Interview of eligibles, by replacing term "candidates" with term "eligibles";

that the agency will at 9:00 a.m., Friday, April 20, 1984, in the Board Room of Administration Building, Clark College, Vancouver, 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 28B.16.100.

The specific statute these rules are intended to implement is chapter 28B.16 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 20, 1984.

Dated: March 7, 1984

By: John A. Spitz  
Director

#### STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on March 7, 1984 and is filed pursuant to RCW 34.04.025.

Authority: RCW 28B.16.100.

Agency Person Responsible for Drafting, Implementing and Enforcing Rules: John A. Spitz, Director—HEPB, FT-11, Olympia, 98504, scan 234-3730.

Organization Proposing Change: HEPB staff. The proposed modifications result from a study of chapter 251-18 WAC conducted by a system examination team composed of HEPB staff members, higher education institution representatives, and employee organization representatives.

The agency makes no additional comments/recommendations regarding the proposals.

The changes are not the result of federal law or state court action.

Chapter 251-04 WAC, General provisions.

Rule Affected: WAC 251-04-020 Definitions.

Purpose of Existing Rule: Defines terms used in Title 251 WAC.

Summary of Proposed Changes: Adds definitions of "examinations" which was previously included in WAC 251-18-010 and definition of "final examination score".

Chapter 251-10 WAC, Separation—discipline.

Rule Affected: WAC 251-10-112 Medical examination—Current employee.

Purpose of Existing Rule: New rule proposal.

Summary of Proposed Change: Allows for the medical examination of current employees as previously included in WAC 251-18-160.

Chapter 251-18 WAC, Employment—Appointment.

Individual Rules Affected:

WAC 251-18-010 Examination—Requirement—Definition.

Purpose of Existing Rule: Establishes the requirement for examinations for appointments to positions in the classified service and the approval authority of the director.

Summary of Proposed Change: Provides for the establishment of procedures for the development, modification, approval, administration, scoring and use of examinations.

WAC 251-18-011 Organizational unit—Establishment.

Purpose of Existing Rule: New rule proposed.

Summary of Proposed Change: Allows for the establishment of organization units for purposes of employment as previously included in WAC 251-18-170.

WAC 251-18-012 Eligible list—Related list.

Purpose of Existing Rule: New rule proposal.

Summary of Proposed Change: Allows for the substitution of lists for related classes as previously included in WAC 251-18-175.

WAC 251-18-015 Noncompetitive service.

Purpose of Existing Rule: New rule proposal.

Summary of Proposed Change: Allow for the approval of classes to be in the noncompetitive service.

WAC 251-18-020 Recruitment notice—Publicity—Duration.

Purpose of Existing Rule: Establishes the responsibility of the personnel officer for recruiting and establishing eligible lists.

Summary of Proposed Change: Clarifies the responsibilities of the personnel officer and the types of recruitment notices. Replaces the terms "examination notice," "recruitment notice" and "bulletin board posting" with the consistent term "recruitment notice."

WAC 251-18-025 Recruitment notice—Exception—Training.

Purpose of Existing Rule: Allows employees meeting the conditions outlined in WAC 251-24-050(3) to be examined without opening a recruitment notice.

Summary of Proposed Change: Repeal and add to WAC 251-18-060.

WAC 251-18-030 Recruitment notice—Content.

Purpose of Existing Rule: Specifies the required content of recruitment notices.

Summary of Proposed Change: Repeal and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-050 Examination administration.

Purpose of Existing Rule: Specifies requirements for the administration of examinations by the personnel officer.

Summary of Proposed Change: Remove procedural material from the rule and include in procedures specified in WAC 251-18-101(2).

WAC 251-18-060 Examination—Eligibility.

Purpose of Existing Rule: Allows for the limiting of promotional examinations to current permanent employees of the classified service at an institution. Also allows the limitation of the number of applicants to be admitted to the final phases of examinations.

Summary of Proposed Change: Remove procedural material from the rule and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-070 Application forms—Acceptance.

Purpose of Existing Rule: Provides for use of prescribed forms for applications for employment.

Summary of Proposed Change: Provided for timely filing on prescribed application forms.

WAC 251-18-080 Application—Acceptance.

Purpose of Existing Rule: Specifies conditions for the acceptance of applications for employment.

Summary of Proposed Change: Repeal and permit institutions to specify their own standards for timely filing of application forms per amended WAC 251-18-070.

WAC 251-18-100 Application—Admission to examination.

Purpose of Existing Rule: Specifies requirements for notifying applicants of examinations.

Summary of Proposed Change: Repeal and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-110 Application—Disqualification—Rejection.

Purpose of Existing Rule: Permits personnel officers to reject applicants for good and sufficient reason and provides such applicants with appeal rights per WAC 251-18-115.

Summary of Proposed Change: Modifies an applicant's right of appeal to include a review by the institution's personnel officer per amended WAC 251-18-140.

WAC 251-18-115 Examination—Eligibility—Right of appeal or review.

Purpose of Existing Rule: Specified an applicant's right of appeal to the higher education personnel board.

Summary of Proposed Change: Repeal and include in new WAC 251-18-145.

WAC 251-18-120 Applicants—Anonymity.

Purpose of Existing Rule: Provides for the anonymity of examination applicants.

Summary of Proposed Change: Remove procedural material and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-130 Veterans preference.

Purpose of Existing Rule: Provides for veterans preference in examinations.

Summary of Proposed Change: Clarifies rule language and structure.

WAC 251-18-140 Examination results—Notification.

Purpose of Existing Rule: Specifies the requirements for notifying applicants of their examination results and right of appeal.

Summary of Proposed Change: Clarifies the requirements for notification of applicants and adds a review by the institution's personnel officer to an applicant's right of review and appeal per new WAC 251-18-145.

WAC 251-18-145 Examination—Eligibility—Right of appeal.

Purpose of Existing Rule: New rule proposed.

Summary of Proposed Change: Establishes an applicant's rights of appeal to the Higher Education Personnel Board which previously were included in WAC 251-18-115.

WAC 251-18-150 Reexamination—Procedure.

Purpose of Existing Rule: Specifies the procedure for reexamination of applicants.

Summary of Proposed Change: Repeal and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-155 Examination—Records requirement.

Purpose of Existing Rule: Specifies examinations recordkeeping requirements.

Summary of Proposed Change: Repeal and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-160 Examination—Medical.

Purpose of Existing Rule: Specifies requirements for the medical examination of applicants and employees.

Summary of Proposed Change: Remove medical examination of employees and include in new WAC 251-10-112.

WAC 251-18-170 Eligible lists—Establishment.

Purpose of Existing Rule: Allows for the establishment of eligible lists by class and organizational unit.

Summary of Proposed Change: Repeal and include in new WAC 251-18-011.

WAC 251-18-175 Eligible list—Related list.

Purpose of Existing Rule: Allows for the substitution of related eligible lists.

Summary of Proposed Change: Repeal rule and add provisions in new WAC 251-18-012.

WAC 251-18-180 Eligible lists—Definition—Composition.

Purpose of Existing Rule: Defines the composition of various eligible lists.

Summary of Proposed Change: Clarifies the definitions of the various lists and allows for the establishment of combined eligible lists as previously included in WAC 251-18-181.

WAC 251-18-181 Eligible lists—Combined.

Purpose of Existing Rule: Provides for the combination of eligible lists for administrative, executive or professional classes.

Summary of Proposed Change: Repeal and include in WAC 251-18-180.

WAC 251-18-190 Eligible lists—Duration.

Purpose of Existing Rule: Specifies the duration of eligibility on the various eligible lists.

Summary of Proposed Change: Clarifies the rule language and reduces the duration of eligibility on open-competitive lists to six months.

WAC 251-18-200 Eligible lists—Removal of name—Notification.

Purpose of Existing Rule: Permits the personnel officer to remove a name from an eligible list for good and sufficient reason and specifies the affected persons right of review and appeal.

Summary of Proposed Change: Clarifies the rule language and requirements.

WAC 251-18-230 Certification—Request for.

Purpose of Existing Rule: Allows for submittal of personnel requests by employing officials.

Summary of Proposed Change: Repeal and include in procedures specified in WAC 251-18-010(2).

WAC 251-18-240 Certification method.

Purpose of Existing Rule: Specifies the method of certifying names for classified vacancies.

Summary of Proposed Change: Clarifies the rule language and requirements.

WAC 251-18-260 Certification—Incomplete.

Purpose of Existing Rule: Specifies the options of the employing official when there is an incomplete certification.

Summary of Proposed Change: Clarifies the rule language and requirements.

WAC 251-18-265 Certification—Concurrent.

Purpose of Existing Rule: Allows personnel officers to certify eligibles concurrently for positions in a class.

Summary of Proposed Change: Clarifies the rule language and requirements.

WAC 251-18-270 Certification—Interview of eligibles.

Purpose of Existing Rule: Specifies that the employing official must interview each candidate certified.

Summary of Proposed Change: Clarifies rule by using term "eligibles" instead of "candidates".

AMENDATORY SECTION (Amending Order 110, filed 12/30/83, effective 2/1/84)

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

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

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

- (1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and
- (2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and
- (3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and
- (4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

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

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

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

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

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

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

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

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

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

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

"COLLECTIVE BARGAINING" – The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those



personnel matters over which the appointing authority may lawfully exercise discretion.

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

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

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

"CYCLIC YEAR POSITION" – A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

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

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

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

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

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

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

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

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

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

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240.

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

- (1) Primary duty must be management of a recognized department or subdivision; and
- (2) Must customarily and regularly direct the work of two or more employees; and
- (3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and
- (4) Must customarily and regularly exercise discretionary powers; and
- (5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

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

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

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

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

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-18-130, 251-18-180(6) and/or 251-18-180(8)(b).

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

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

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

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

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

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

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

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

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

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

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

- (1) Separation from service to an institution;
- (2) Separation from service within a class;
- (3) Reduction in the work year; and/or
- (4) Reduction in the number of work hours.

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

"LAYOFF UNITY" – A clearly identified structure within an institution, which is approved by the director, and within which employment/

layoff options are determined in accordance with the reduction in force procedure.

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

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

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

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

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

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution or related board.

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

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

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

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

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

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

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

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

(2) Must consistently exercise discretion and judgment; and

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

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

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

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

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

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

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

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

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

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

"RESIGNATION" – A voluntary termination of employment.

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

"SUPERVISOR" – Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

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

"TEMPORARY APPOINTMENT" –

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

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

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

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

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

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

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

"TRIAL SERVICE" – The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330((5))(6).

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

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

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

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

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

NEW SECTION

WAC 251-10-112 MEDICAL EXAMINATION—CURRENT EMPLOYEE. A medical examination and/or doctor's certificate may be required where a question arises concerning the fitness of a current employee to perform the duties of his/her position.

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

WAC 251-18-010 EXAMINATION—REQUIREMENT—~~((DEFINITION))~~ RESPONSIBILITIES. (1) Appointment to positions in the classified service shall be made according to merit and suitability ascertained for each class by an appropriate examination ~~((developed and approved by the director. Examinations shall be developed utilizing the class specifications and a detailed job analysis, to the degree possible, in a manner which will test fairly the capacity and fitness of the candidates to discharge efficiently the duties of the position))~~.

(2) ~~((An examination is any formal, scored, quantified measure or assessment used as the basis for a personnel selection decision. It may include written, oral, physical or performance tests, evaluation of experience and training, or any combination of these. It may take into consideration such factors as education, experience, physical fitness, performance appraisal, and any other qualifications which in the judgment of the director properly enter into the determination of the relative fitness of applicants.~~

(3) ~~((Competitive examinations are not required for the establishment of eligible lists in the noncompetitive service.))~~ (a) The director shall establish procedures for the development, modification, approval, administration, evaluation and use of examinations.

(b) Personnel officers may establish procedures to meet specific institutional requirements, provided such procedures are approved by the director before they are used.

(3) Personnel officers shall be responsible for following the procedures established in subsection (2) (a) and (b) of this section for all appointments to positions in the classified service in their institutions.

(4) The personnel officer is responsible for determining when to open eligible lists and conduct examinations.

NEW SECTION

WAC 251-18-011 PROMOTIONAL ORGANIZATIONAL UNITS—ESTABLISHMENT. The personnel officer shall establish promotional organizational units based upon administrative unit and/or geographical location. Such units must be approved by the director.

NEW SECTION

WAC 251-18-012 ELIGIBLE LIST—RELATED LIST. (1) Should a vacancy occur in a class for which there is no existing eligible list, it shall be the responsibility of the personnel officer to recruit and develop an eligible list.

(2) If it is impractical to recruit in order to establish an eligible list for a class, the personnel officer may:

(a) Substitute an eligible list for a related class if he/she deems the classes to be sufficiently similar.

(b) Request the use of an eligible list established for the class at another institution.

NEW SECTION

WAC 251-18-015 NONCOMPETITIVE SERVICE. (1) All classes at an institution shall be considered to be in the competitive service unless a class has been specifically approved by the director to be in the noncompetitive service at that institution.

(2) For a class to be considered for approval for the noncompetitive service, the personnel officer must comply with the procedures established by the director for granting such approval.

AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-18-020 ~~((EXAMINATION))~~ RECRUITMENT NOTICE—PUBLICITY—DURATION. ~~((††))~~ The personnel officer is responsible for determining when to open an eligible list and conduct examinations. Each personnel officer shall develop and maintain on file a procedure by which employees who have indicated an interest in

promotion through the established procedure are made aware of promotional opportunities within the organizational unit.

(2) Public notice of examinations to establish eligible lists shall be made via recruitment bulletin for the duration of the announcement and such other publicity as the personnel officer deems warranted in the interest of attracting adequate numbers of qualified applicants. The minimum period for posting recruitment bulletins will be seven calendar days; for an open competitive posting the personnel officer may authorize a shorter minimum posting period. The personnel officer may extend the duration of a posting as required by giving public notice in the same manner as the original notice.

(3) Examination notices are of two types:

(a) Those having definite duration; and

(b) Those having indefinite duration during which application may be made. Prior to closing a notice published for an indefinite period, public notice of at least three calendar days shall be given. Such notice may take either of the following forms:

(i) Public notice given in the same manner as the original notice; or

(ii) A statement on the bulletin board posting that when sufficient applications are received, the application period may be closed upon three days prior notice. (1) Notice of examinations to establish eligible lists shall be made via public display, including institutional posting, of recruitment notices and such other publicity as the personnel officer deems to be warranted.

(2) Recruitment notices may be opened with or without specified closing dates:

(a) A recruitment notice with a specified closing date must allow for an application period of at least seven calendar days from the date of opening the notice, unless the personnel officer authorizes a shorter application period for an open competitive or noncompetitive recruitment notice.

(b) A recruitment notice without a specified closing date must state that the application period may be closed upon three calendar days prior notice. Public notice of at least three calendar days must be given prior to closing such a recruitment notice.

(3) The personnel officer shall develop and utilize a procedure by which employees who have formally indicated an interest in promotion are made aware of promotional opportunities.

(4) The personnel officer may extend the application period for a recruitment notice as required by giving public notice in the same manner as the original notice.

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

WAC 251-18-050 EXAMINATIONS ~~((ADMINISTRATION))~~—EMPLOYEE RELEASE TIME. ~~((††))~~ Examinations shall be held at such times and places as in the judgment of the personnel officer most nearly meet the convenience of applicants, practicability of administration, and needs of the service. (1) Current employee applicants shall suffer no loss in regular salary as a result of participating in examinations which are conducted for their employing institution during their regularly scheduled working hours.

~~((2))~~ Examinations shall be conducted by the personnel officer or designee and shall be administered in accordance with standards and procedures approved by the director. (1)

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

WAC 251-18-060 EXAMINATION—ELIGIBILITY. (1) Open-competitive examinations shall be open to all ~~((applicants, including probationary employees, who meet the minimum qualifications for the class))~~ persons who apply according to the provisions of these rules and meet the minimum qualifications for the class.

(2) Promotional examinations shall be limited to those current permanent employees of the classified service at the institution ~~((:))~~ who apply according to the provisions of these rules and meet the minimum qualifications for the class. The personnel officer may open promotional examinations ~~((may be opened))~~ on either an organizational unit or institution-wide basis, whichever the personnel officer determines to be in the interest of the service.

(3) ~~((When normal recruitment and examination of applicants is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may declare in advance the number of persons to be:~~

(a) Placed on a noncompetitive eligible list; or

(b) Admitted to the entire examination. Following the screening of applications and/or the initial scoring of the examination for this purpose, the applicants receiving the highest scores will be admitted to the final phases of the examination.

Such limitations must be stated on the published bulletin board posting, and do not preclude)) When the number of qualified applicants for a class in the competitive service is expected to result in an eligible list in excess of the institution's current needs, the personnel officer may limit the applications to be admitted to the intermediate and/or final phase(s) of the examination to those most qualified, based on an assessment of qualifications in the initial and/or intermediate phase(s) of the examination. Such limitation must be specified in the recruitment notice. If no such limitation is specified, all applicants who pass the entire examination shall be placed on the eligible list for the class.

(4) The personnel officer ((from adding)) may add members of ((under-represented)) under-utilized groups to ((the)) promotional and open competitive eligible lists at anytime in accordance with the institution's corrective employment program as provided in WAC 251-18-390 (2)(e), provided such persons ((meet the same criteria and achieve the same examination score required of the original applicant group)) pass the examination for the class.

(5) The personnel officer may add employees who complete institution-approved training programs to an eligible list at any time, provided such employees meet the minimum qualifications and pass the examination for the class.

#### AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-070 APPLICATION FORMS—ACCEPTANCE. (1) Application((s for employment shall be filed on)) forms shall be prescribed by the personnel officer((-Any question in any application form or examination shall be)) in compliance with applicable state and/or federal law.

(2) Applications shall be filed in accordance with the times specified in the recruitment notice.

(3) All required application materials, including supplemental applications, must be submitted by the specified time in order for an application to be considered.

(4) When an application is rejected for failure to meet the requirements of subsection (3) of this section, the provisions of WAC 251-18-110(2) shall apply.

(5) The personnel officer may require proof of age, education, experience, veterans preference, and/or other claims relevant to the qualifications of an applicant.

#### AMENDATORY SECTION (Amending Order 65, filed 1/30/78)

WAC 251-18-110 APPLICATION—DISQUALIFICATION—REJECTION. (1) The personnel officer may reject an application ((or an applicant)) at any time during the examination process for good and sufficient reason(s).

(2) Whenever the personnel officer rejects an application ((or an applicant under the provisions of these rules, he/she shall furnish a written statement of the specific reasons therefor and advise)), the applicant ((of the right of appeal per WAC 251-18-115, except in those instances in which he/she was present at the time of notification of rejection or disqualification)) shall be given a written statement including:

- (a) The specific reason(s) for the rejection; and
- (b) Notification of the right of review per WAC 251-18-140(1)(b); and
- (c) His/her right of appeal per WAC 251-18-145 (1)(a).

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

WAC 251-18-120 APPLICANTS—ANONYMITY. When practical, the identity of ((#)) persons taking a ((competitive)) written examination shall be concealed from the examiners ((by the use of an identification number on all examination papers. When used, this number shall be used from the beginning of the examination until the papers have all been rated)).

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

WAC 251-18-130 ((EXAMINATION—))VETERANS PREFERENCE. ((The claiming of the following veterans preference provisions is the responsibility of the applicant and must be claimed within eight years of the date of release from active service.

(1) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean Conflict, the Viet Nam era, and the period beginning on the date of any future declaration of war by Congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the Congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.

(2) Only persons who received an honorable discharge, a physical discharge under honorable conditions, or who were released from active duty under honorable circumstances shall be eligible for veterans preference.

(3) Only those veterans who receive a passing final score on an examination, prior to addition of veterans preference, shall be eligible to receive such preference.

(4) In all competitive examinations, veterans shall be given a preference by adding to their achieved passing final scores, based upon a possible rating of one hundred points as perfect, a percentage of the achieved score under the following conditions)) (1) Veterans who claim veterans preference and meet the criteria specified in subsections (2) through (4) of this section shall have added to their final passing scores:

(a) Ten percent of the ((passing)) final passing score ((to)) for a veteran who is not receiving any veteran's retirement payments. This preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(b) Five percent of the ((passing)) final passing score ((to)) for a veteran who is receiving any veteran's retirement payments. This ((percentage)) preference shall be utilized in open-competitive examinations until the veteran's first appointment and not in any promotional examination.

(c) Five percent of the ((passing)) final passing score ((to)) for a veteran who, after having previously received employment with the state, is called, or recalled, to active military service for one or more years during any period of war. This preference shall be limited to the first promotional examination following return from military service.

(2) Veterans preference must be claimed within eight years of the date of release from active service.

(3) The term "veteran" as used in these rules shall include any person who has served in any branch of the armed forces of the United States during World War I, World War II, the Korean conflict, the Viet Nam era and the period beginning on the date of any future declaration of war declared by congress and ending on the date prescribed by presidential proclamation or concurrent resolution of the congress. "Viet Nam era" shall mean the period beginning August 5, 1964, and ending on May 7, 1975.

(4) Only persons who received an honorable discharge, a physical discharge under honorable conditions or who were released from active duty under honorable circumstances shall be eligible for veterans preference.

#### AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-140 EXAMINATION RESULTS—NOTIFICATION—INSTITUTIONAL REVIEW. ((+)) Within ten working days after scoring the examination, the personnel officer will provide each applicant competing in an examination with written notice of his/her score or failure to obtain a passing score and in addition his/her appeal rights per the provisions of WAC 251-18-115. Any applicant or authorized representative may request in writing that the personnel officer review the examination rating and/or score within fifteen calendar days after notification of the score. If an error in scoring has been made, it will be corrected and the eligible's name will be placed at the appropriate place on the eligible list. A correction so made shall not invalidate any appointment previously made from the list.

(2) The personnel officer will notify the candidate of the date of placement on the eligible list and the date of expiration:)) (1) The personnel officer shall:

- (a) Provide each applicant with written notice of his/her final status in the examination process; and

(b) Inform each applicant that within fifteen calendar days of service of his/her notice, he/she may request a review of the action by the personnel officer; and

(c) Inform each applicant of his/her appeal rights per WAC 251-18-145(1)(c).

(2) Within thirty calendar days after receiving a request for review as provided in subsection (1)(b) of this section, the personnel officer will provide the applicant with written notice of the results of the review and of appeal rights as provided in WAC 251-18-145(1)(b).

(3) Any action taken to correct an error in rating an examination will not invalidate an appointment made from the affected eligible list(s).

## NEW SECTION

WAC 251-18-145 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL. (1) A person shall have the right to appeal the following to the higher education personnel board as provided in subsection (2) of this section:

(a) Rejection of his/her application; or

(b) The results of the institutional examination review process per WAC 251-18-140(1)(b); or

(c) The conduct of the selection process and/or his/her examination results; or

(d) Failure to restore his/her name to an eligible list following the institutional review process per WAC 251-18-200(4); or

(e) Removal of his/her name from an eligible list for reasons other than those specified in WAC 251-18-200(2).

(2) Any employee or employee representative may appeal an alleged failure to follow the provisions of WAC 251-18-010 (1), (2) or (3) in accordance with WAC 251-12-075.

(3) Such appeal must be in writing and filed in the office of the director within thirty calendar days after either service of the results of the institutional review or the effective date of the action appealed. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(a) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or

(b) The director may investigate the case and issue a determination.

(i) When the appellant is a classified employee of the institution, within thirty calendar days of the date of service of the determination to the appellant and the institution, either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may limit argument to the exceptions or may rehear the case in its entirety;

(ii) When the appellant is not a classified employee of the institution, the director's determination shall be final and binding; or

(c) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

AMENDATORY SECTION (Amending Order 68, filed 5/25/78, effective 7/1/78)

WAC 251-18-160 EXAMINATION—MEDICAL. ~~((+ Candidates))~~ Eligibles for employment or promotion shall take a medical examination if prescribed for the position to which appointment is sought. All ~~((candidates))~~ eligibles must conform with medical regulations for state employment established by the Washington state board of health.

~~((2) A medical examination and/or doctor's certificate also may be required where a question arises concerning the fitness of the incumbent to perform the duties of his/her position.))~~

AMENDATORY SECTION (Amending Order 110, filed 12/30/83, effective 2/1/84)

WAC 251-18-180 ELIGIBLE LISTS—DEFINITION—COMPOSITION. ~~((The various))~~ Eligible lists ~~((are defined))~~ shall be established by class as follows:

(1) Institution-wide layoff lists ~~((shall be established by class and))~~ shall contain the names of:

(a) All permanent and probationary employees laid off or scheduled for layoff in accord with WAC 251-10-030 and 251-10-055 ~~((Ranking of eligibles shall be))~~ ranked in order of layoff seniority.

(b) Former permanent employees of the institution who (i) have transferred, promoted, voluntarily demoted or laterally moved to positions at other institutions/related boards, and (ii) have not successfully completed their trial service periods at the institution to which they moved ~~((Ranking of eligibles shall be))~~, ranked in order of layoff seniority.

(2) Organizational unit promotional lists ~~((shall be established by class and))~~ shall contain the names of all permanent employees of the organizational unit for which the list is established ~~((;))~~ who have ~~((successfully completed))~~ passed the examination for the class ~~((Ranking of eligibles shall be))~~, ranked in order of their final ~~((earned rating on the))~~ examination ~~((; plus any preference credits))~~ scores.

(3) Institution-wide promotional lists ~~((shall be established by class and))~~ shall contain the names of all permanent employees who have ~~((successfully completed))~~ passed the examination for the class, ranked in order of their final ~~((earned rating on the))~~ examination ~~((; plus any preference credits))~~ scores.

(4) Special employment program layoff lists ~~((shall be established by class and))~~ shall contain the names of permanent employees laid off, scheduled for layoff or removed from service within a class due to layoff conditions in special employment programs as provided in WAC 251-10-035 ~~((Ranking of eligibles shall be))~~ ranked in order of layoff seniority.

(5) State-wide layoff lists ~~((shall be established by class and))~~ shall contain the names of permanent employees laid off or scheduled for layoff who have exercised their option per WAC 251-10-060 ~~((Ranking of eligibles shall be))~~, ranked in order of layoff seniority as provided in WAC 251-10-060(2).

~~((6))~~ Open competitive/noncompetitive lists:

~~((a))~~ Open competitive lists shall be established by class and Open competitive lists shall contain the names of all ~~((candidates))~~ other applicants who have ~~((successfully completed))~~ passed the examination for the class, ranked in order of their final ~~((earned rating on the))~~ examination ~~((; plus any veterans retention preference credits or credits resulting from being in permanent status at another institution/related board. Preference credits resulting from movement indicated above shall be equal to five percent of the employee's final earned rating and will be added to the employee's final passing))~~ score. Applicants who are in permanent status at another institution/related board shall have a five percent credit added to their final passing score.

~~((b))~~ Noncompetitive lists shall be established ~~((by class where the class has been previously approved by the director to be part of the noncompetitive service at a particular higher education institution. They))~~ per WAC 251-18-015 and shall contain the names of applicants who meet the minimum ~~((requirements))~~ qualifications and have passed the noncompetitive examination, if any, for the class ~~((for which the list is established. The eligibles shall be))~~, ranked by priority in time of filing application.

(8) For positions which meet the HEPB definitions of administrative, executive or professional employees, the personnel officer may combine the organizational unit promotional list, the institution-wide promotional list, the special employment program layoff list, the state-wide layoff list, and the open competitive list into a single eligible list:

(a) The combined list option must be specified in the recruitment notice for a class in order for the personnel officer to combine lists for positions in the class;

(b) The combined list shall contain the names of eligibles ranked in order of their final examination scores. Permanent employees of the institution shall have a five percent credit added to their final passing score.

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

WAC 251-18-190 ELIGIBLE LISTS—DURATION. (1) ~~((The term of eligibility for each name on an eligible list shall be one year from the date the name is placed on the eligible list except for institution-wide layoff list for which eligibility shall be two years. Prior to the expiration date of the eligible on all eligible lists except open competitive/noncompetitive and state-wide layoff lists, he/she shall be given the opportunity to extend eligibility for one additional year by written request to the personnel officer.~~

(2) The personnel officer may extend the duration of an entire eligible list for one additional year if it is determined to be in the best interest of the service.

(3)) The duration of eligibility on a list begins the date the name is placed on the list and ends as follows:

(a) After two years on an institution-wide layoff list;

(b) After one year on an organizational unit or institution-wide promotional list, special employment program layoff list or state-wide layoff list;

(c) After six months on an open competitive or noncompetitive list.

(2) Prior to the original expiration date of a name on an institution-wide layoff list, an organizational unit promotional list, an institution-wide promotional list, or a special employment program layoff list, the eligible shall be notified of the expiration and given the opportunity to extend eligibility for one additional year by written request to the personnel officer.

(3) The personnel officer may extend an entire eligible list for the following periods:

(a) Six months for open competitive and noncompetitive lists;

(b) One year for all other lists.

(4) The personnel officer shall cancel the entire eligible list when the class or examination has been changed to the degree that the list would be invalid. All affected eligibles shall be notified of the cancellation.

#### AMENDATORY SECTION (Amending Order 71, filed 2/27/79)

WAC 251-18-200 ELIGIBLE LISTS—REMOVAL OF NAME—NOTIFICATION. (1) The ((name of an eligible may be removed from an eligible list by the)) personnel officer may remove a name from an eligible list for good and sufficient reason. ((Whenever any person's name is removed from an eligible list he/she shall be notified of the specific reasons for such removal and advised of the right to request a review by the personnel officer per subsection (2) of this section, except in instances where the eligible:))

(2) Notification of the removal of a name according to subsection (1) of this section is not required where the person has:

(a) ((Has)) Requested removal from the list in writing;

(b) ((Has)) Failed to respond ((within ten calendar days)) to a written inquiry ((or)) within ((three)) ten calendar days or to a telegraphed inquiry ((from the personnel office)) within three calendar days relative to availability for appointment;

(c) ((Has)) Failed to notify the personnel office of a change((s)) of address; ((or))

(d) ((Is an open competitive candidate and has been removed from an eligible)) Been removed from a state-wide layoff list, an open-competitive or noncompetitive list due to expiration of eligibility((:

(2) Such person may, within five working days of notification, make a written request to the personnel officer for restoration to such eligible list for the duration of eligibility. The personnel officer, after full consideration of the request, may restore the name to the eligible list, or refuse to do so. The person shall be notified of the personnel officer's action and of the right of appeal per WAC 251-18-115;); or

(c) Been removed from an eligible list due to expiration of an extension of eligibility in accordance with WAC 251-18-190(2).

(3) In all other cases, the affected person shall be notified of the specific reasons for removal from the eligible list and advised of the right to request a review by the personnel officer per subsection (4) of this section.

(4) A person whose name has been removed from an eligible list for reasons other than those listed in subsection (2) of this section may request in writing within ten calendar days of notification that the personnel officer restore the name to the list for the duration of eligibility.

(5) Within ten calendar days after receiving a request per subsection (4) of this section, the personnel officer will provide the person with written notification of the decision to:

(a) Restore the name to the eligible list; or

(b) Refuse to restore the name to the eligible list. In this case, the person shall also be advised of the right of appeal per WAC 251-18-145(1)(d).

#### AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-240 CERTIFICATION—METHOD. (1) Upon receipt of a personnel ((requisition)) request, the personnel officer shall provide to the employing official ((a certification of names in writing—Certification from eligible lists will be made in the manner and in the strict order of priority provided in subsections (3) and (4) of this section.

(2) The personnel officer shall certify to the employing official)) in writing four more names than there are vacancies to be filled by the certification.

(2) Names shall be certified in strict order of standing on the eligible list(s).

(3) When it is necessary to use more than one eligible list to complete a certification, each eligible list must be exhausted before progressing to the next eligible list. ((Except as provided in subsection (4) of this section)) Eligible lists shall be used for filling classified vacancies in the strict order of priority listed below:

(a) Unless the personnel officer has established a combined eligible list in accordance with WAC 251-18-180(8):

(i) Institution-wide layoff list;

((fb)) (ii) Organizational unit ((promotion)) promotional list;

((tc)) (iii) Institution-wide ((promotion)) promotional list;

((dd)) (iv) Special employment program layoff list;

((ee)) (v) State-wide layoff list;

((ff)) (vi) Open competitive or noncompetitive list.

((4) If the position for which certification is being made meets the HEPB definitions of administrative, executive, or professional employes and there are insufficient eligibles on the institution-wide layoff list for the class, the personnel officer may elect to combine eligible lists provided in subsection (3)(b) through (f) of this section per the provisions of WAC 251-18-181. Certification from this combined eligible list shall be on the basis of four more names than there are vacancies to be filled by the certification.)) (b) When the personnel officer has established a combined eligible list:

(i) Institution-wide layoff list;

(ii) Combined eligible list.

#### AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-260 CERTIFICATION—INCOMPLETE. When the number of names available for ((filling any)) certification for a given vacancy is fewer than five, the employing official may make an appointment from the certification or decline to do so.

#### AMENDATORY SECTION (Amending Order 98, filed 7/22/82, effective 9/1/82)

WAC 251-18-265 CERTIFICATION—CONCURRENT. When more than one ((department)) employing official submits a personnel request for certification for a class concurrently, the ((top five)) same names ((or)) from the appropriate ((employment)) eligible list(s) will be certified to each ((department for consideration and selection)) official as required by WAC 251-18-240.

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

WAC 251-18-270 CERTIFICATION—INTERVIEW OF ((CANDIDATES)) ELIGIBLES. The employing official shall interview each ((candidate)) eligible certified prior to making an appointment, except when the eligible waives the interview.

#### REPEALER

The following sections of the Washington Administrative Code are repealed:

(1) WAC 251-18-025 EXAMINATION NOTICE—EXCEPTION—TRAINING.

(2) WAC 251-18-030 EXAMINATION NOTICE—CONTENT.

(3) WAC 251-18-080 APPLICATION—ACCEPTANCE.

(4) WAC 251-18-100 APPLICATION—ADMISSION TO EXAMINATION.

(5) WAC 251-18-115 EXAMINATION—ELIGIBILITY—RIGHT OF APPEAL OR REVIEW.

(6) WAC 251-18-150 REEXAMINATION—PROCEDURE.

(7) WAC 251-18-155 EXAMINATION—RECORDS REQUIREMENT.

(8) WAC 251-18-170 ELIGIBLE LISTS—ESTABLISHMENT.

(9) WAC 251-18-175 ELIGIBLE LIST—RELATED LIST.

(10) WAC 251-18-181 ELIGIBLE LISTS—COMBINED.

(11) WAC 251-18-230 CERTIFICATION—REQUEST FOR.

**WSR 84-06-066**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning aircraft fuel tax, amending WAC 308-78-010, 308-78-040, 308-78-045, 308-78-050 and 308-78-070;

that the agency will at 10:00 a.m., Friday, April 13, 1984, in the 4th Floor Conference Rooms B and C, 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 82.42.040.

The specific statute these rules are intended to implement: RCW 82.42.020 as to WAC 308-78-010(5); RCW 82.42.030 as to WAC 308-78-010, except subsection (5), 308-78-040 and 308-78-045; and RCW 82.42.040 as to WAC 308-78-050 and 308-78-070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 12, 1984.

Dated: March 7, 1984

By: H. George Ides  
 Administrator

**STATEMENT OF PURPOSE**

Title: Chapter 308-78 WAC, Aircraft fuel tax, amending WAC 308-78-010 Definitions; 308-78-040 Tax exempt transactions; 308-78-045 Tax exempt use; 308-78-050, Supporting documents for tax exempt transactions; and 308-78-070 Records.

These rules are proposed under the authority of RCW 82.42.040.

The Specific Statutes These Rules are Intended to Implement: RCW 82.42.020 as to WAC 308-78-010(5); RCW 82.42.030 as to WAC 308-78-010, except subsection (5), 308-78-040 and 308-78-045; and RCW 82.42.040 as to WAC 308-78-050 and 308-78-070.

Summary of the Rule and Statement of Reasons Supporting its Adoption: These amending rules clarify the definition of "local service commuter" and, accordingly, clarify application of tax exemptions, WAC 308-78-010, 308-78-040 and 308-78-045. They also clarify when the aircraft fuel tax exemption for aircraft crew training will be granted, WAC 308-78-045. Certain federal military fuel transfer exemption documentation requirements are eliminated, WAC 308-78-050, and recordkeeping requirements for those claiming exemption from the aircraft fuel tax are specified, WAC 308-78-070. These rules are required to clarify application of exemptions from the aircraft fuel tax, and provide methods for recording information used to substantiate exemptions.

Agency Personnel Responsible for Drafting, Implementing, and Enforcing the Rules: H. George Ides, Administrator, 234-4565 scan, 753-4565 comm; and Ildefonso Origenes, Assistant Administrator, 234-6860 scan, 753-6860 comm; both located at Second Floor, Highways-Licenses Building, Olympia, WA 98504.

Organization Proposing These Rules: Department of Licensing.

Agency Comments: None.

These rules are not necessary as the result of federal law or federal or state court action.

Small Business Economic Impact Statement: This rule will affect major industry group 45—transportation by air—and all subgroups. It will also affect major industry, group 01—agricultural production. In neither case will this rule affect more than 20 percent of all industries or more than 10 percent of any one industry. Therefore, a small business economic impact statement is not required for this rule under the terms of the Small Business Regulatory Fairness Act.

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-010 DEFINITIONS. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an operator who operates at least five round trips per week between two or more points in passenger service and publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Operation for testing and experimental purposes" shall include only those flights conducted for the purposes of obtaining a type certificate or supplemental type certificate as defined by the Federal Aviation Regulations.

(5) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

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

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

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-040 TAX EXEMPT TRANSACTIONS. (See WAC 308-78-080—Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

- (1) To a buyer at a point outside the state; or
- (2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or
- (3) To United States or foreign government agencies; or
- (4) To aircraft fuel users licensed by the department; or
- (5) Directly into the aircraft fuel tanks of equipment operated by air carriers and supplemental air carriers, either domestic or foreign, operating under part 121 of the Federal Aviation Regulations, and local service ((air carriers operating scheduled service under either part 121 or 135 of the Federal Aviation Regulations, and foreign flag carriers)) commuters; or
- (6) To another licensed distributor.

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-045 TAX EXEMPT USE. Exemption from the aircraft fuel tax may be claimed for the uses specified in RCW 82.42-020 and 82.42.030 subject to the following conditions:

(1) Operation of aircraft by air carriers, supplemental air carriers, and local service commuters shall be exempt from the aircraft fuel tax when such operation is directly related to the transportation of passengers (~~or cargo~~) within the authority granted by federal or state authorities.

(2) Exemption from the aircraft fuel tax for testing and experimental purposes shall be granted only to persons primarily engaged in manufacture or remanufacture of aircraft and only for flight operations of an experimental aircraft or an aircraft being tested following manufacture or repair prior to delivery to a customer. Fuel used in the operation of an aircraft which is necessary to the conduct of a test or experimental flight of another aircraft is also exempt.

(3) Exemption from the aircraft fuel tax for aircraft crew training will be granted (~~in accordance with rules promulgated by the aeronautics division of the Washington department of transportation~~) only to those persons who can show: (a) they are an air carrier or supplemental air carrier, either foreign or domestic, operating under a certificate of public convenience and necessity issued by the United States government; and (b) that operation of the aircraft is for training purpose of crews employed by the applicant; and (c) training is in conjunction with the purchase of an aircraft of the same type as the training being conducted. Exemption will be granted only for actual flight training operations which are not in the nature of recurrent or upgrade training and not for ferry, demonstration, or promotional flights.

(4) Exemption from the aircraft fuel tax for application of pesticides, herbicides or other agricultural chemicals will be allowed only for fuel consumed while the chemicals are being applied and for flight operations attendant thereto.

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

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

AMENDATORY SECTION (Amending Order MV 696, filed 10/6/82)

WAC 308-78-050 SUPPORTING DOCUMENTS FOR TAX EXEMPT TRANSACTIONS. (~~(1) The provisions of RCW 82.36-230 relating to exemptions from motor vehicle fuel tax shall be applicable to the claiming of exemption from aircraft fuel tax. In addition, the department may require the distributor to execute such other certificates as may be particularly appropriate to exemptions from the imposition of the aircraft fuel tax.~~)

(2) The distributor shall retain sales invoices, contracts, purchase orders, bills of lading and other documents in support of the tax exemption claimed. Records must be kept in original form For three years.

**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 MV 696, filed 10/6/82)

WAC 308-78-070 RECORDS. (1) Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:

(a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;

(b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;

(c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.

(2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:

(a) An imprinted serial number;

(b) The imprinted name of the distributor;

(c) The date of delivery;

(d) The name and address of the purchaser (address not required on credit car deliveries);

(e) The location of the storage facility from which the fuel was withdrawn;

(f) The type or grade of fuel;

(g) The number of gallons;

(h) The price per gallon and the total amount charged;

(i) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.

(3) Own use. Every distributor and user shall maintain a withdrawal record covering this total usage during the month, which contains the same information concerning each withdrawal of aircraft fuel for own use as required in subsections (2)(c), (e), (f), and (g).

(4) Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

(a) Flight or block time of each flight or series of flights;

(b) Type of aircraft;

(c) Purpose of each flight or series of flights;

(d) Dates;

(e) Gallons consumed for each flight or series of flights.

(5) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed.

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

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

## WSR 84-06-067

## PROPOSED RULES

## BOARD OF PHARMACY

[Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Pharmacy, intends to adopt, amend, or repeal rules concerning adding new sections WAC 360-36-400, 360-36-410, 360-36-420, 360-36-430 and 360-36-440; that the agency will at 9:00 a.m., Thursday, April 19, 1984, in the Mason Clinic East, 13014 120th N.E., Kirkland, WA 98034, 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 69.50.201, 69.50.203, 69.50.205, 69.50.207, 69.50.209 and 69.50.211.

Dated: March 7, 1984  
By: Donald H. Williams  
Executive Secretary



## STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Pharmacy.

Purpose: The purpose of new sections WAC 360-36-400 through 360-36-450 is to add substances to or delete or reschedule substances enumerated in the schedules contained in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 of the Controlled Substances Act. These rules are adopted by the Washington State Board of Pharmacy for the purposes of administering the Uniform Controlled Substances Act, chapter 69.50 RCW.

Statutory Authority: RCW 69.50.201, 69.50.203, 69.50.205, 69.50.207, 69.50.209 and 69.50.211.

Summary of the Rules: WAC 360-36-400 describes the board's authority under the Uniform Controlled Substances Act to schedule controlled substances and lists the factors that the board must consider regarding each of the substances listed. WAC 360-36-410 lists the substances having high potential for abuse and no accepted medical use in treatment in the United States, therefore requiring placement on Schedule I. WAC 360-36-420 lists substances that have a high potential for abuse and have currently accepted medical use in treatment in the United States with severe restrictions and which the abuse of may lead to severe psychic or psychological dependence, therefore requiring placement on Schedule II. WAC 360-36-430 lists substances that have potential for abuse less than the substances listed in Schedule I and Schedule II and have currently accepted medical use in treatment in the United States, the abuse of which may lead to moderate or low physical dependency or high psychological dependency, therefore requiring placement on Schedule III. WAC 360-36-440 lists substances that have a low potential for abuse relative to the substances in Schedule III and have currently accepted medical use in treatment in the United States, the abuse of which may lead to limited physical dependence or psychological dependence, therefore requiring placement on Schedule IV. WAC 360-36-450 lists substances that have low potential for abuse relative to substances contained in Schedule IV and have currently accepted medical use in treatment in the United States. The substances have limited physical dependency or psychological dependence relative to substances in Schedule IV, therefore, requiring placement on Schedule V.

Reason Proposed: These rules are proposed in accordance with RCW 69.50.213 that requires the board to consider and revise or reschedule the listing of substances contained in the Schedules I through V of the Controlled Substances Act.

Responsible Personnel: In addition to the members of the board, the following Board of Pharmacy personnel have knowledge of an responsibility for drafting, implementing and enforcing these rules: Donald H. Williams, Executive Secretary, W.E.A. Building, 319 E. 7th Avenue, Olympia, WA 98504, (206) 234-6834 scan, (206) 753-6834 comm.

Proponents: These rules are proposed by the Washington State Board of Pharmacy.

Agency Comments: These rules are promulgated pursuant to the authority granted to the board in RCW 69.50.201.

Small Business Economic Impact Statement: A small business economic impact statement is not required and has not been filed since these rules do not impact small businesses as that term is defined by RCW 43.31.902 [43.31.920].

NEW SECTION

WAC 360-36-400 Pursuant to the authority granted to the board of pharmacy in RCW 69.50.201, the board has considered the following factors with regards to each of the substances listed in this chapter and in chapter 69.50 RCW:

- (1) The actual or relative potential for abuse;
- (2) The scientific evidence of its pharmacological effect, if known;
- (3) The state of current scientific knowledge regarding the substance;
- (4) The history and current pattern of abuse;
- (5) The scope, duration, and significance of abuse;
- (6) The risk to the public health;
- (7) The potential of the substance to produce psychic or psychological dependence liability; and
- (8) Whether the substance is an immediate precursor of a substance already controlled under the Uniform Controlled Substances Act (chapter 69.50 RCW).

NEW SECTION

WAC 360-36-410 SCHEDULE I. The board finds that the following substances have high potential for abuse and have no accepted medical use in treatment in the United States or that they lack accepted safety for use in treatment under medical supervision. The board, therefore, places each of the following substances in Schedule I.

(a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name, are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) Allylprodine;
- (3) Alphacetylmethadol;
- (4) Alphameprodine;
- (5) Alphemethadol;
- (6) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl] ethyl-4-piperidyl) propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);
- (7) Benzethidine;
- (8) Betacetylmethadol;
- (9) Betameprodine;
- (10) Betamethadol;
- (11) Betaprodine;
- (12) Clonitazene;
- (13) Dextromoramide;
- (14) Diampromide;
- (15) Diethylthiambutene;
- (16) Difenoxin;
- (17) Dimenoxadol;
- (18) Dimepheptanol;
- (19) Dimethylthiambutene;
- (20) Dioxaphetyl butyrate;
- (21) Dipipanone;
- (22) Ethylmethylthiambutene;
- (23) Etonitazene;
- (24) Etoxidine;
- (25) Furethidine;
- (26) Hydroxypethidine;
- (27) Ketobemidone;
- (28) Levomoramide;
- (29) Levophenacylmorphane;
- (30) Morpheridine;
- (31) Noracymethadol;

- (32) Norlevorphanol;
- (33) Normethadone;
- (34) Norpipanone;
- (35) Phenadoxone;
- (36) Phenampromide;
- (37) Phenomorphan;
- (38) Phenoperidine;
- (39) Piritramide;
- (40) Propheptazine;
- (41) Properidine;
- (42) Propiram;
- (43) Racemoramide;
- (44) Sufentanil;
- (45) Tilidene;
- (46) Trimeperidine.

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
- (2) Acetyldihydrocodeine;
- (3) Benzylmorphine;
- (4) Codeine methylbromide;
- (5) Codeine-N-Oxide;
- (6) Cyprenorphine;
- (7) Desomorphine;
- (8) Dihydromorphine;
- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphanol;
- (13) Methyldesorphine;
- (14) Methylhydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Phoclodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation (For purposes of paragraph (d) of this section, only, the term "isomer" includes the optical, position, and geometric isomers.):

- (1) 3,4-methylenedioxy amphetamine;
- (2) 5-methoxy-3,4-methylenedioxy amphetamine;
- (3) 3,4,5-trimethoxy amphetamine;
- (4) 4-bromo-2,5-dimethoxy-amphetamine;
- (5) 2,5-dimethoxyamphetamine;
- (6) 4-methoxyamphetamine;
- (7) 4-methyl-2,5-dimethoxyamphetamine;
- (8) Bufotenine;
- (9) Diethyltryptamine;
- (10) Dimethyltryptamine;
- (11) Ibogaine;
- (12) Lysergic acid diethylamide;
- (13) Marihuana;
- (14) Mescaline;
- (15) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;
- (16) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts;
- (17) N-ethyl-3-piperidyl benzilate;
- (18) N-methyl-3-piperidyl benzilate;
- (19) Psilocybin;
- (20) Psilocyn;

(21) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, specifically, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

- (i) Delta 1 - cis - or trans tetrahydrocannabinol, and their optical isomers;
- (ii) Delta 6 - cis - or trans tetrahydrocannabinol, and their optical isomers;
- (iii) Delta 3.4 - cis - or trans tetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered, are all included.)

- (22) Ethylamine analog of phencyclidine;
- (23) Pyrrolidine analog of phencyclidine;
- (24) Thiopene analog of phencyclidine;
- (25) Fenethylamine;
- (26) N-ethylamphetamine;
- (27) Thiohene analog of phencyclidine.

(e) Depressants.

(i) Unless specifically excepted or unless listed in another schedule, any material compound, mixture, or preparation which contains any quantity of mecloqualone having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation.

- (ii) Methaqualone.

#### NEW SECTION

WAC 360-36-420 SCHEDULE II. The board finds that the following substances have a high potential for abuse and have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions and that the abuse of the following substances may lead to severe psychic or psychological dependence. The board, therefore, places each of the following substances in Schedule II.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrorphan, naloxone, and naltrexone, and their respective salts, but including the following:

- (i) Raw opium;
- (ii) Opium extracts;
- (iii) Opium fluid extracts;
- (iv) Powdered opium;
- (v) Granulated opium;
- (vi) Tincture of opium;
- (vii) Butophanol;
- (viii) Codeine;
- (ix) Ethylmorphine;
- (x) Etorphine hydrochloride;
- (xi) Hydrocodone;
- (xii) Hydromorphanol;
- (xiii) Metopon;
- (xiv) Morphine;
- (xv) Nalbuphine;
- (xvi) Oxycodone;
- (xvii) Oxymorphanol; and
- (xviii) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these

substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

- (1) Alphaprodine;
- (2) Anileridine;
- (3) Bezitramide;
- (4) Dihydrocodeine;
- (5) Diphenoxylate;
- (6) Fentanyl;
- (7) Isomethadone;
- (8) Levomethorphan;
- (9) Levorphanol;
- (10) Metazocine;
- (11) Methadone;
- (12) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;
- (13) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;
- (14) Pentazocine;
- (15) Pethidine (meperidine);
- (16) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;
- (17) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;
- (18) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- (19) Phenazocine;
- (20) Piminodine;
- (21) Racemethorphan;
- (22) Racemorphan.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

- (1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- (2) Methamphetamine, its salts, isomers, and salts of its isomers;
- (3) Phenmetrazine and its salts;
- (4) Methylphenidate;
- (5) Phenylacetone P2P amphetamine precursor.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Pentobarbital;
- (3) Phencyclidine;
- (4) Phencyclidine immediate precursors;
  - (i) 1-phenylcyclohexylamine;
  - (ii) 1-piperidinocyclohexanecarbonitrile (PCC);
- (5) Secobarbital.

#### NEW SECTION

WAC 360-36-430 SCHEDULE III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers

whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of April 1, 1979, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Mazindol;
- (6) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

- (1) Any compound, mixture, or preparation containing:
  - (i) Amobarbital;
  - (ii) Secobarbital;
  - (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;
- (5) Glutethimide;
- (6) Lysergic acid;
- (7) Lysergic acid amide;
- (8) Methyprylon;
- (9) Sulfondiethylmethane;
- (10) Sulfonethylmethane;
- (11) Sulfonmethane.

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

#### NEW SECTION

WAC 360-36-440 SCHEDULE IV. The board finds that the following substances have a low potential for abuse relative to substances in Schedule III and have currently accepted medical use in treatment

in the United States and that the abuse of the substances may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The board, therefore, places each of the following substances in Schedule IV.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule IV.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any difenoxin, or its salts calculated as the free anhydrous base or alkaloid, in limited quantities as follows: Not more than 1 milligram and not less than 25 micrograms of atropine sulfate per dosage unit.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Barbital;
- (3) Chloral betaine;
- (4) Chloral hydrate;
- (5) Chlordiazepoxide;
- (6) Clonazepam;
- (7) Clorazepate;
- (8) Diazepam;
- (9) Ethchlorvynol;
- (10) Ethinamate;
- (11) Flurazepam;
- (12) Lorazepam;
- (13) Mebutamate;
- (14) Meprobamate;
- (15) Methohexital;
- (16) Methylphenobarbital (mephobarbital);
- (17) Oxazepam;
- (18) Paraldehyde;
- (19) Petrichloral;
- (20) Phenobarbital;
- (21) Prazepam;
- (22) Temazepam;
- (23) Triazolam.

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of fenfluramine, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Diethylpropion;
- (2) Mazindol;
- (3) Pemoline (including organometallic complexes and chelates thereof);
- (4) Phentermine;
- (5) Pipradrol;
- (6) SPA ((-)-1-dimethylamino-1, 2-dephenylethane.

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

- (1) Dextropropoxyphene (alpha - (+) - 4 - dimethylamino-1, 2-diphenyl - 3 - methyl - 2 - propionoxybutane).

#### NEW SECTION

WAC 360-36-450 SCHEDULE V. The board finds that the following substances have low potential for abuse relative to substances in Schedule IV and have currently accepted medical use in treatment in the United States and that the substances have limited physical dependence or psychological dependence liability relative to the substance in

Schedule IV. The board, therefore, places each of the following substances in Schedule V.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule V.

(b) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in this section, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation, valuable medicinal qualities other than those possessed by the narcotic drug alone:

(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams;

(2) Not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100 grams;

(3) Not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100 grams;

(4) Not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms of atropine sulfate per dosage unit;

(5) Not more than 100 milligrams of opium per 100 milliliters or per 100 grams;

(6) Not more than 0.5 milligrams of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

**84-06-068**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**  
**(Board of Natural Resources**  
**Harbor Line Commission)**

[Filed March 7, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources, Harbor Line Commission, intends to adopt, amend, or repeal rules concerning a proposed new section 108 of chapter 332-30 WAC states policy and standards for establishment of new harbor areas under Article XV of the Washington Constitution and under RCW 79.94.240 and 79.94.250;

that the agency will at 7:00 p.m., Tuesday, April 10, 1984, in the Port of Seattle, Commissioners Chambers, 3rd Floor, Pier 66, Seattle, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 1, 1984.

The authority under which these rules are proposed is RCW 79.90.070 - 79.90.080 and 79.92.010.

The specific statute these rules are intended to implement is RCW 79.90.070 - 79.90.080, 79.92.010, 79.94.240 and 79.94.250.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 13, 1984.

Written or oral submission may also contain data, views, and arguments concerning the effect of the proposed rules or amendments of rules on economic values pursuant to chapter 43.21H RCW.

The agency reserves the right to modify the text of these proposed rules before the hearing or in response to written or oral comments received before or during the hearing.

The agency may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact the person named below.

Correspondence relating to this notice and the proposed rules should be addressed to:

Steve Tilley  
Mailstop QW-21  
Olympia, WA 98504  
Phone: (206) 754-1823

Dated: March 7, 1984

By: Brian J. Boyle  
Commissioner of Public Lands

### STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s):  
New WAC 332-30-108, Aquatic land management.

Statutory Authority for the Rule(s): RCW 43.30.150, 79.90.070, 79.90.080 and 79.92.010.

Specific Statute that Rule is Intended to Implement:  
RCW 79.90.070, 79.90.080, 79.94.240, 79.94.250 and 79.92.010.

Summary of the Rule(s): This notice proposes to add one new section to chapter 332-30 WAC, Aquatic land management. Section 108 sets forth policies and standards for the establishment of new harbor areas. The policies restrict new harbor development to areas where navigation and commerce needs are demonstrated. Harbor line placement will be limited by standards relating to local land use, environmental quality and adjacent conditions.

Reasons Supporting the Proposed Rule(s): This new section is necessary to provide guidance to the Harbor Line Commission in establishing new harbor areas. Recent requests for new harbor area establishment raise questions about the appropriate placement of these areas and what factors should be considered when setting the lines. The Harbor Line Commission is sometimes called upon to establish harbor areas. This has been done in the past on a case-by-case basis with no formal guidelines or procedure. The public has expressed an interest in having more certainty as to what will be considered and how to be heard in the process. The proposed rules establish criteria and procedures for evaluation of future harbor area proposals.

The Agency Personnel Responsible for the Drafting, Implementation, and Enforcement of the Rule: John DeMeyer, Manager, Marine Land Management Division, EX-12, Olympia, WA 98504, (206) 753-5326.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Rule: Department of Natural Resources for the Harbor Line Commission.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

No impact statement required.

### DRAFT POLICY ON ESTABLISHMENT OF NEW HARBOR AREAS

#### NEW SECTION

WAC 332-30-108 ESTABLISHMENT OF NEW HARBOR AREAS (1) The policies and standards contained in this section apply to establishment of new harbor areas by the Harbor Line Commission under Article XV of the Washington Constitution and to establishment of new harbor areas in Lake Washington by the Commissioner of Public Lands under RCW 79.94.240.

(2) New harbor areas will only be established to serve the following purposes:

(a) Reserving adequate urban space for navigation and commerce facilities; and

(b) Preventing urban development from disrupting navigation.

(3) New harbor areas will only be established when a need is demonstrated by existing development or by plans, studies, project proposals or other evidence of development potential in, or waterward of, the proposed harbor area.

(4) Unless there is an overriding statewide navigation and commerce need, new harbor areas will only be established when:

(a) Compatible with local land use and shoreline management plans;

(b) Supported by the city, county and port district;

(c) The area is physically and environmentally suitable for navigation and commerce purposes; and

(d) Necessary support facilities and services are likely to be available.

(5) The shoreline length of a new harbor area established along a city's waterfront will be determined by the need and purposes to be served and by conformance with subsection (4) above.

(6) Harbor line placement standards

(a) Harbor lines will be placed to serve constitutional harbor area purposes as they relate to the individual site in question.

(b) Harbor lines will be placed so as to give practical development guidance. Harbor lines will relate to navigation and commerce development which has occurred or can reasonably be expected to occur.

(c) Outer harbor lines will be placed just far enough offshore to provide for the needs of desirable navigation and commerce purposes. They will be placed so as to prevent development from interfering with navigation.

(d) Inner harbor lines will be placed far enough landward of the outer harbor line to provide adequate space for desirable navigation and commerce purposes.

(e) When consistent with subsections (6)(a-d) above, harbor lines will be placed in accordance with:

(i) Local land use plans, Shoreline Management Master Programs and zoning;

(ii) Maintenance of environmental quality;

(iii) Adjoining existing harbor areas; and

(iv) Existing aquatic land development.

(f) When consistent with subsections (6)(a-e) above, outer harbor lines will be placed near the ends of existing conforming structures and inner harbor lines will be placed at the boundary of public aquatic land ownership.

















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