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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.

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DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1984

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
84-01	Nov 23	Dec 7	Dec 21, 1983	Jan 4, 1984	Jan 24
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84-03	Dec 21, 1983	Jan 4 1984	Jan 18	Feb 1	Feb 21
84-04	Jan 4	Jan 18	Feb 1	Feb 15	Mar 6
84-05	Jan 25	Feb 8	Feb 22	Mar 7	Mar 27
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84-07	Feb 22	Mar 7	Mar 21	Apr 4	Apr 24
84-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
84-09	Mar 21	Apr 4	Apr 18	May 2	May 22
84-10	Apr 4	Apr 18	May 2	May 16	Jun 5
84-11	Apr 25	May 9	May 23	Jun 6	Jun 26
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84-13	*May 24	*Jun 7	*Jun 21	*Jul 5	*Jul 25
84-14	Jun 6	Jun 20	*Jul 3	Jul 18	Aug 7
84-15	Jun 20	*Jul 3	Jul 18	Aug 1	Aug 21
84-16	*Jul 3	Jul 18	Aug 1	Aug 15	Sep 4
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84-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
84-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
84-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 11
84-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
84-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 8, 1985

*Dates adjusted to accommodate July 4th holiday on normal distribution and closing date. See WAC 1-12-030(5)(c) and 1-13-030(5)(c).

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

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

³"No 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 84-17-001
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 420—Filed August 2, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule lifting restrictions on forest lands under the protection of the Department of Natural Resources in the northwest, south Puget Sound, and central areas.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to existing and predicted weather conditions, the area defined above included in a modified logging shutdown is no longer exposed to extreme fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.190 [76.04.190] and 76.04.200 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 August 2, 1984.

By Brian J. Boyle
 Commissioner of Public Lands

NEW SECTION

WAC 332-26-082 MODIFIED LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE NORTHWEST, SOUTH PUGET SOUND, AND CENTRAL AREAS. *Effective immediately Thursday, August 2, 1984 restrictions on all logging, land clearing, other industrial operations and burning activities which may cause a fire to start are lifted.*

The Department of Natural Resources Shutdown zone affected by these restrictions is zone 659 in the eastern parts of Snohomish, King, Pierce and Lewis counties under the protection of the Department of Natural Resources in the Northwest, South Puget Sound and Central Areas.

WSR 84-17-002
ADOPTED RULES
DEPARTMENT OF REVENUE
 [Order PT 84-3—Filed August 2, 1984]

I, Donald R. Burrows, director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 458-61-030	Definitions.
Amd	WAC 458-61-060	Disposition of proceeds.
Amd	WAC 458-61-080	Affidavit requirements.
Amd	WAC 458-61-100	Refunds of tax paid.
Amd	WAC 458-61-210	Assignments—Purchasers.
Amd	WAC 458-61-220	Assignments—Sellers.
Amd	WAC 458-61-230	Bankruptcy.
Amd	WAC 458-61-320	Corporation—Nonfamily.
Amd	WAC 458-61-400	Fulfillment deed.
Amd	WAC 458-61-510	Lease with option to purchase.
Amd	WAC 458-61-590	Rescission of sale.
Amd	WAC 458-61-680	Trust.

This action is taken pursuant to Notice No. WSR 84-11-040 filed with the code reviser on May 16, 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 82.45.120 and 82.45.150 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 82.45.150 which directs that the Department of Revenue has authority to implement the provisions of chapter 82.45 RCW.

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

APPROVED AND ADOPTED June 26, 1984.

By Trevor W. Thompson
 Assistant Director

AMENDATORY SECTION (Amending Order PT 82-10, filed 12/28/82)

WAC 458-61-030 DEFINITIONS. For the purposes of chapter 458-61 WAC, unless otherwise required by the context:

(1) "Affidavit" shall mean the real estate excise tax affidavit which the department shall prescribe and furnish to the county treasurers. Such affidavit shall require the following information:

- (a) Identification of the seller and purchaser, including their current mailing addresses;
- (b) Legal description of the property transferring, including the tax parcel or account numbers;
- (c) Date of sale;
- (d) Type of instrument of sale;
- (e) Nature of transfer;
- (f) Gross sales price;
- (g) Value of personal property involved in the transfer;
- (h) Taxable sales price;
- (i) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW;

(j) Whether or not the land is classified as open space land, farm and agricultural land, or timber land under chapter 84.33 RCW;

(k) Whether or not the property is exempt from property tax under chapter 84.36 RCW, at the time of sale;

(l) Whether or not the property is:

(i) Land only;

(ii) Land with new building; or

(iii) Land with a previously used building;

(m) A notice of continuance, signed by all new owners, for classified forest land (RCW 84.33.120), designated forest land (RCW 84.33.180) (RCW 84.33.130) or classified open space land, farm and agricultural land or timber land (RCW 84.34.108) shall be signed for those affidavits conveying land subject to the provisions of chapters 84.33 and 84.34 RCW, if the new owner desires to continue said classification or designation. Prior to acceptance of the affidavit by the county treasurer, the county assessor shall be consulted by the new owners to determine if the land qualifies for continued classification or designation. The assessor shall note on the affidavit whether or not it qualifies;

(n) The affidavit shall list the following questions, the responses to which are not required:

(i) Is this property at the time of sale subject to an elderly, disability, or physical improvement exemption?

(ii) Does any building have a heat pump or solar heating or cooling system?

(iii) Does this transaction divide a current parcel of land?

(iv) Does this transaction include current crops or merchantable timber?

(v) Does this transaction involve a trade, or partial interest, corporate affiliates, related parties, a trust, a receivership, or an estate?

(vi) Is the grantee acting as a nominee for a third party?

(vii) Is the principal use of the land agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, or growing timber?

(o) The affidavit form shall contain a statement of the potential compensating and additional tax liability under chapter 84.34 RCW, a statement of the collection of taxes under RCW 84.36.262 and 84.36.810, and a statement of the applicable penalties for perjury under chapter 9A.72 RCW.

Each county shall use the affidavit form prescribed and furnished by the department of revenue.

The affidavit shall be signed by either the seller or the buyer, or the agent of either, under oath attesting to all required information.

(2) "Consideration" shall mean money or anything of value, either tangible or intangible, paid or delivered or contracted to be paid or delivered or services performed or contracted to be performed in return for real property or estate or interest in real property. The term shall further include the market value of real property transferred to a corporation by its shareholders, officers, or corporate affiliates so as to increase the assets of the grantee corporation.

(3) "Court decree" and "court order" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the judgment of a court of competent jurisdiction.

~~((3))~~ (4) "Date of taxability" shall mean the date of transfer as defined in subsection ~~((14))~~ (15) of this section.

~~((4))~~ (5) "Department" shall mean the Washington state department of revenue.

~~((5))~~ (6) "Mining property" shall mean property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessee to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)

~~((6))~~ (7) "Mobile home" shall mean a mobile home as defined by RCW 46.04.302, as now or hereafter amended. (RCW 82.45.032)

~~((7))~~ (8) "Mortgage" shall have its ordinary meaning and shall include "deed of trust" for the purposes of these rules, unless the context clearly indicates otherwise.

~~((8))~~ (9) "Nominal sales prices" shall mean sales prices stated on the real estate excise tax affidavit that are so low in comparison to the actual value of the real estate as to cause disbelief by a reasonable person.

~~((9))~~ (10) "Nonsale" as defined by RCW 82.45.010 includes those real property transfers which, by their nature, are exempt from the real estate excise tax (see WAC 458-61-080: Affidavit requirements):

(a) Gift, devise or inheritance (see WAC 458-61-410 and 458-61-460);

(b) Leasehold interest, other than option to purchase real property, including timber (see WAC 458-61-500);

(c) Cancellation or forfeiture of a vendee's interest in a real estate contract, whether or not such contract contains a forfeiture clause (Note: Tax exemption applies only to transfer back to original vendor or contract holder and is not the basis for refund of tax paid on original transfer — See WAC 458-61-210(1); see also WAC 458-61-330);

(d) Deed in lieu of foreclosure of a mortgage (where no consideration passes otherwise. See WAC 458-61-210(2));

(e) Assumption of mortgage, deed of trust, or real estate contract where no consideration passes otherwise ~~((Note: Tax exemption does not apply to real estate contracts — See WAC 458-61-210(3)))~~;

(f) Deed in lieu of forfeiture of a real estate contract, where no consideration passes otherwise (see WAC 458-61-210(4));

(g) Partition of property by tenants in common, whether by agreement or court decree (see WAC 458-61-650);

(h) Divorce decree or property settlement incident thereto (see WAC 458-61-340);

(i) Seller's assignment (see WAC 458-61-220);

(j) Condemnation by governmental body (see WAC 458-61-280);

(k) Security documents (mortgage, real estate contract, or other security interests apart from actual title) (see WAC 458-61-630);

(l) Court ordered sale or execution of judgment (see WAC 458-61-330);

(m) Transfer prior to imposition of this tax under chapter 82.45 RCW or previous chapter 28A.45 RCW;

(n) The transfer of any grave or lot in an established cemetery (see WAC 458-61-250); and

(o) A transfer to or from the United States, the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (See WAC 458-61-420)

~~((+0))~~ (11) "Real estate" shall mean real property, including improvements the title to which is held separately from the title to the land to which the improvements are affixed, the term also includes used mobile homes and used floating homes. (RCW 82.45.032)

~~((+1))~~ (12) "Sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, exchange, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, exchange, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his/her direction, which title is retained by the vendor as security for the payment of the purchase price. (RCW 82.45.010)

~~((+2))~~ (13) "Seller" shall mean any individual, receiver, assignee, trustee for a deed of trust, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, quasi municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit or otherwise; but it shall not include the United States or the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (RCW 82.45.020)

~~((+3))~~ (14) "Selling price" shall mean consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale. The term shall not include the amount of any outstanding lien or encumbrance in favor of the United States, the state of Washington or a municipal corporation for the taxes, special benefits, or improvements. The value maintained on the county assessment rolls at the time of the transaction will be used for the sales price if such cannot otherwise be ascertained. In the event that the property is under current use assessment, the market value assessment maintained by the county assessor shall be used for the sales price. (RCW 82.45.030)

~~((+4))~~ (15) "Date of transfer," "date of sale," "conveyance date" and "transaction date" shall have the same meaning and may be used interchangeably for the

purposes of these rules. This shall be the date shown on the ~~((conveyance))~~ instrument of conveyance or sale.

~~((+5))~~ (16) "Used mobile home" shall mean a mobile home which has been previously sold at retail and a previous sale has already been subject to the retail sales tax under chapter 82.08 RCW, or which has been previously used and a previous use has already been subject to the use tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities. (RCW 82.45.032)

~~((+6))~~ (17) "Wilful fraud" shall mean knowingly making false statements or taking actions so as to intentionally underpay or not pay the proper real estate excise tax due on the transfer of real estate.

(18) "Used floating home" shall mean a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located and in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-060 DISPOSITION OF PROCEEDS. The county treasurer shall place one percent of the proceeds of the tax imposed by chapter 82.45 RCW exclusive of any delinquent interest and/or penalties in the county current expense fund to defray costs of collection and shall pay over to the state treasurer and account to the department for the remainder of the proceeds at the same time the county treasurer remits funds to the state under RCW 84.56.280. (RCW 82.45.180)

Any requests from county treasurers for adjustments to the funds which have been distributed to the state treasurer must be sent to the department ~~((of))~~ for approval or denial. The department will forward all such requests which it approves to the state treasurer and return the requests it denies to the county treasurers along with an explanation for such denial.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-080 AFFIDAVIT REQUIREMENTS. (1) Except for the transfers listed under subsection (2) of this section, the real estate excise tax affidavit shall be required for all transfers of real property including, but not limited to, the following:

(a) Conveyance from one spouse to the other as a result of a decree of divorce or dissolution of a marriage or in fulfillment of a property settlement agreement incident thereto;

(b) Conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding;

(c) Conveyance made pursuant to the provisions of a deed of trust;

(d) Conveyance of an easement in which consideration passes;

~~(e) ((A seller's assignment of deed and contract;~~

~~(f) A fulfillment deed;~~

~~(g)) A deed in lieu of foreclosure of mortgage;~~

~~((th)) (f) A deed in lieu of forfeiture of a real estate contract;~~

~~((t)) (g) Conveyance to the heirs in the settlement of an estate;~~

~~((j)) (h) Conveyance to or from the United States, the state of Washington, or any political subdivision or municipal corporation of this state.~~

(2) The real estate excise tax affidavit shall not be required for the following:

(a) Conveyance of cemetery lots or graves;

(b) Conveyance for security purposes only and the instrument states on the face of it:

(i) For security only;

(ii) To secure a debt;

(iii) Assignment of a debt;

(iv) For collateral purposes only;

(v) Release of collateral;

(vi) To release security;

(c) A lease of real property that does not contain an option to purchase;

(d) A mortgage or deed of trust or satisfaction thereof;

(e) Conveyance of an easement in which no consideration passes or an easement to the United States, the state of Washington, or any political subdivision or municipal corporation of this state;

(f) A recording of a contract that changes only the contract terms and not the legal description, purchaser, or sales price, if the affidavit number of the previous transaction is reported;

(g) A seller's assignment of deed and contract;

(h) A fulfillment deed.

(3) County treasurers shall not accept incomplete affidavits.

(a) Among other requirements set forth in WAC 458-61-030(1), all affidavits which state claims for tax exemption must show:

(i) Current assessed values of parcels involved as of transaction date; and

(ii) Complete reasons for exemptions (in all cases where the exemption is based upon a prior payment of the tax, the prior payment date, amount and affidavit number must be provided on the current affidavit: See WAC 458-61-400).

(b) A quitclaim deed is a conveyance instrument. It is not, in itself, a reason for tax exemption. A valid reason for the exemption must be shown on the affidavit.

(c) Statements such as "to clear title only" are not complete reasons for tax exemption. In this instance it must be stated that the grantee had prior title or an encumbrance upon such title and the prior affidavit number, county auditor's document number and the prior transaction date must be shown.

(d) When the transfer of property is to two or more grantees, the affidavit must clearly state the relationship between them such as joint tenants, tenants in common,

partners, etc., and the form and proportion of interest that they are each acquiring.

(e) In the case of a used mobile home that is sold with the land upon which it is located, the county treasurer may require the completion of either two affidavits, both real and mobile home, or a single real property affidavit. At the county treasurer's option, a separate mobile home affidavit ((is)) may not be required if the ((primary)) real property affidavit lists the make, model, year, size and serial number of the unit. Such information should be contained as a separate item within the legal description portion of the affidavit.

AMENDATORY SECTION (Amending Order PT 82-10, filed 12/28/82)

WAC 458-61-100 REFUNDS OF TAX PAID. (1) Taxpayers seeking to contest the application of the real estate excise tax upon a particular transfer of real property must pay the tax prior to petition for refund.

(2) Taxpayers shall obtain copies of the "Petition for Real Estate Excise Tax Refund" form from the county treasurers' offices, as provided by the department. After completing the form, the taxpayer shall submit the form and all documentation supporting the claim for refund to the county treasurer's office in the county where the tax was originally paid.

(3) If the taxpayer submits the petition for refund before the county treasurer has sent to the department the copy of the affidavit which receipted the tax payment now in question, the county treasurer is authorized to void the receipted affidavit copies, based upon the criteria listed in subsection (5) of this section, and issue the refund. If the county treasurer authorizes and issues such refund, the voided copy of the affidavit, with a copy of the refund petition attached, must be included in the monthly affidavit batch sent to the department. If the county treasurer does not authorize such refund, the treasurer shall send the petition for refund, along with a copy of the affidavit and all supporting records, to the department. The procedure for petitions sent to the department shall follow subsection (4) of this section.

(4) If the taxpayer submits the petition for refund after the county treasurer has sent to the department the copy of the affidavit which receipted the payment now in question, the county treasurer shall verify the information on the petition and forward it to the department with a copy of the affidavit and any other supporting records furnished by the taxpayer. The department shall approve or deny the refund ~~((within twenty working days after receipt of the petition. If approved, the refund shall be paid to the taxpayer (along with appropriate interest) within ten working days after the taxpayer has complied with provisions of subsection (7) of this section))~~. If denied, the petition for refund shall be returned to the petitioner with the reason for denial. The taxpayer may then appeal the imposition of the tax under the appeal procedures. See WAC 458-61-110: Tax appeals. If such petition is denied, the department will return to the petitioner all supporting documents which are submitted with the petition for refund.

The authority of the department to issue tax refunds under this chapter is limited to the following:

(a) Transactions that are completely rescinded with both parties restored to their original positions. In such case monies paid by the purchaser are not retained by the seller;

(b) Sales rescinded by court order. In such case a copy of the court decision must be attached to the department's affidavit copy by the county treasurer (see also WAC 458-61-330 - Court order);

(c) Double payment of the tax;

(d) Overpayment of the tax through error of computation;

(e) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;

(f) Nonpayment of valuable consideration by grantee.

(5) The authority of the county treasurers to issue tax refunds under subsection (2) of this section is limited to the following reasons:

(a) Double payment of the tax;

(b) Overpayment of tax through error of computation;

(c) Failure of a taxpayer to claim tax exemption for a transfer which was properly exempt;

(d) Rescission of sale prior to closing; or

(e) Nonpayment of valuable consideration by grantee.

(6) Only the taxpayer or authorized agent may petition for a refund of tax.

(7) Refunds approved by the county treasurer or by the department ((the refund)) shall be paid to the petitioner:

(a) After the real estate excise tax receipt stamp has been voided on the conveyance instrument provided that this conveyance instrument has not been recorded; or

(b) In the case where the conveyance instrument was recorded, after a second conveyance instrument has been recorded to reverse the effect of the original conveyance instrument.

In either of the above procedures (a) or (b), the county treasurer or department shall advise the petitioner of the approval of the refund and the necessity to provide the unrecorded conveyance instrument or a reversing conveyance instrument. ((At this time the taxpayer is also required to provide the receipted affidavit copy to be voided in like manner.)) The county treasurer shall note the issuance of the refund on the affidavit copy maintained in county files and shall notify the county assessors office of the refund.

AMENDATORY SECTION (Amending Order PT 82-10, filed 12/28/82)

WAC 458-61-210 ASSIGNMENTS—PURCHASERS. (1) ((The real estate excise tax does not apply to the cancellation or forfeiture of a vendee's interest in a contract for the sale of real property. Whether or not such contract contains a forfeiture clause. (RCW 82.45.010) (Note: This tax exemption applies only to real estate contracts being transferred to the original vendor or contract holder — not to other parties.))

(2) The real estate excise tax does not apply to the transfer of a deed in lieu of foreclosure of a mortgage, whether transferred to the original mortgage holder or to a third person, provided that no consideration otherwise passes to the grantor of such deed in lieu of foreclosure.

~~(Note: If the transfer is to a party other than the current lienholder, the grantor must furnish a notarized statement signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any party other than the current mortgage holder or holders.)~~

~~(3) The real estate excise tax does not apply to the assumption by a grantee of the balance owing on an obligation which is secured by a mortgage, provided that no consideration otherwise passes. Such assumption may be by third persons as well as the original seller or mortgage holder. (Note: This tax exemption applies only to transfers made for the purpose of avoiding foreclosure of mortgage. The grantor must furnish a notarized statement signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any other third party other than the current mortgage holder or holders. This tax exemption does not apply to the assumption of debt secured by a real estate contract.)~~

~~(4) The real estate excise tax does not apply to the transfer of deed in lieu of forfeiture of the vendee's interest in a contract of sale where no consideration otherwise passes. Such transfer may be to third persons as well as to original seller or contract holder. (Note: If the transfer is to a party other than the current lienholder, the grantor must furnish a notarized statement signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any party other than the current contract holder or holders.)~~

~~(5)) The real estate excise tax does not apply to the following types of purchaser's assignments, provided that no consideration passes to the grantor:~~

~~(a) Deed in lieu of foreclosure of mortgage or deed in lieu of forfeiture of a real estate contract;~~

~~(b) Assumption by a grantee of the balance owing on an obligation which is secured by a mortgage, deed of trust or real estate contract; and~~

~~(c) Cancellation or forfeiture of the vendee's interest in a contract of sale.~~

~~The real estate excise tax affidavit is required for each of the above. If the transfer is to a third party other than the current lienholder, the grantor must furnish a notarized statement signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor or to any party other than current lienholders.~~

(2) The real estate excise tax applies to transfers where the purchaser of real property assigns his/her interest in such property and receives valuable consideration for that interest. The measure of the real estate excise tax is the sum of the consideration paid or contracted to be paid to the grantor of such assignment plus the unpaid principal balance due on the assigned mortgage or real estate contract. (Note: The consideration passing to the assignor of such interest in real property nullifies the exemptions granted in subsection((s)) (1) ((through (4))) of this section, because each of these exemptions is granted upon the condition that no ((valuable)) consideration passes to the transferrer of the interest of real property.)

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-220 ASSIGNMENTS—SELLERS. The real estate excise tax does not apply where the vendor of real property assigns his/her interest to a third party. ~~The ((current)) real estate excise tax affidavit ((must show reference to the prior affidavit number and date and indicate the amount of tax paid)) is not required. The instrument must be stamped by the county treasurer as required by RCW 82.45.090. Such stamp shall show the affidavit number on the prior sale for which the current assignment is made.~~

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-230 BANKRUPTCY. A conveyance of real property by a trustee in bankruptcy is taxable under the real estate excise tax when made by a trustee conducting the business of the bankrupt ~~((unless such transfer is specifically court ordered)). However, such a conveyance is not taxable when made by a trustee authorized only to liquidate the bankrupt's estate. ((Therefore, the real estate excise tax applies to the sale of real property by a trustee under a chapter 11 reorganization but does not apply to a sale under a chapter 7 liquidation.)) For such tax exemption to be approved, the trustee must attach to the affidavit a supplemental statement which affirms that the trustee is authorized only to liquidate the bankrupt's estate.~~

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-320 CORPORATION—NON-FAMILY. The real estate excise tax applies to all real property transfers between a corporation and its stockholders, officers, corporate affiliates, or other parties, including those between corporations and partnerships except the following transfers which are not taxable:

- (1) Corporate mergers, consolidations and acquisitions which are accomplished by stock transfers.
- (2) Corporate dissolution, except in a case where the stockholders assumed or agreed by contract to assume the liabilities of the dissolving corporation. In such event, the real estate excise tax applies to the extent of the liabilities assumed by the stockholder.
- (3) Transfers between a parent corporation and its wholly-owned subsidiary corporation or between two or more subsidiary corporations, each of which is wholly-owned by the same parent corporation where no consideration passes. Consideration includes the issuance of stock or other negotiable instruments and is further defined in WAC 458-61-030(2).

(4) Transfer of real property to a newly-formed, beneficiary corporation from an incorporator as defined in RCW 23A.12.010 to the newly-formed corporation: **PROVIDED**, That (a) the proper real estate excise tax was paid on the original transfer to the incorporator; and (b) that it was documented on or before the original transfer that the incorporator was receiving title to the property on behalf of that corporation during its formation process. This tax exemption does not apply where a

real property owner had acquired title in his/her own name and later transferred title to the corporation upon formation.

(5) Real property transfers qualifying for other tax exemptions under chapter 458-61 WAC.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-400 FULFILLMENT DEED. A deed given the vendee in fulfillment of the terms of mortgage or contract is not subject to the real estate excise tax, provided that the proper tax was paid on the original transaction. The real estate excise tax affidavit is not required ((and must show reference to the prior affidavit which receipted the tax payment. (WAC 458-61-080(1)(f))). The fulfillment deed must be stamped by the county treasurer as required by RCW 82.45.090. Such stamp shall show the affidavit number on the sale which this deed is fulfilling.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-510 LEASE WITH OPTION TO PURCHASE. The real estate excise tax shall apply to a lease with option to purchase when the purchase option is exercised:

- (1) If the option to purchase must be exercised within a period no longer ~~((then))~~ than two years after the original commencement of the lease and the amount of lease payments will not exceed half of the purchase price; or
- (2) If none of the lease payments apply toward the ultimate sales price.

Transactions lacking the above criteria are taxable at the time that the lease with option to purchase agreement originates. The sales price shall be considered to be the purchase price stated in the lease-option agreement. If the selling price is not stated in the instrument, the grantor, grantee or the agent of either shall, by affidavit, state the option price intended and the tax levied hereunder shall be on such stated option price: **PROVIDED**, That upon execution and delivery of the instrument of conveyance or transfer pursuant to such option a second affidavit stating the actual consideration shall be filed with the county treasurer. If the actual consideration passing is greater than the option price stated in the affidavit filed at the time the lease-option was executed, there shall be collected the tax on such additional amounts prior to the time the deed is accepted for recording. If the actual consideration is the same as the option price originally stated, no additional tax will be collected. If the actual consideration is less than the option price stated, refund of excess tax shall be made.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-590 RESCISSION OF SALE. The real estate excise tax does not apply to the transfer back of property from vendee to vendor. The tax paid on the original transfer is not refundable unless ~~((the rescission of~~

~~sale is pursuant to a court decree)) both parties are restored to their original positions. (See WAC 458-61-330((-Court order)); and 458-61-100(4)(a).)~~

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-680 TRUST. The real estate excise tax does not apply to ~~((either))~~ a conveyance ~~((to))~~ into a ~~((trustee or to a conveyance from the trustee to the original grantor or beneficiary))~~ revocable trust when such trust agreement names the grantor or the grantor's spouse and/or children as beneficiaries. The tax does not apply to a conveyance from a trustee to the original grantor or a beneficiary where no consideration passes. The real estate excise tax applies to the sale of real property by the trustee to a third party for valuable consideration. (See WAC 458-61-410: Gifts and WAC 458-61-460: Inheritance)

WSR 84-17-003
NOTICE OF PUBLIC MEETINGS
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION
 [Memorandum—August 2, 1984]

Notice is hereby given that at its July 20, 1984, meeting, the Interagency Committee for Outdoor Recreation officially changed its grant-in-aid funding session from November 1-2, 1984, to November 13-14, 1984.

WSR 84-17-004
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 3, 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 patient transportation, amending WAC 388-86-085.

It is the intention of the secretary to adopt these rules on an emergency basis on or about August 4, 1984;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 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 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by September 13, 1984. The meeting site is in a location which is barrier free.

Dated: August 2, 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 388-86-085.

Purpose of the Rule or Rule Change: To allow for payment for recipient owned automobile for medical transportation.

The Reason These Rules are Necessary: To comply with a stipulation and consent order from the superior court of Washington for Thurston County.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Establishes conditions under which payment may be made for the use of recipient owned automobile for medical transportation.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Telephone: 753-7316.

These rules are necessary as a result of state court decision, Van Hoy vs. Gibbs, case number 83-2-01178-4.

AMENDATORY SECTION (Amending Order 1743, filed 12/30/81)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department will assure the availability of necessary transportation for recipients to and from medical care services covered under the medical assistance program in accordance with the following guidelines:

(a) "Patient transportation" shall be provided only when other sources of transportation are not available.

(b) Transportation shall be provided for the least expensive available means suitable to the recipient's medical need.

(c) Transportation shall be provided only to medical care within the local community unless necessary medical care is not available locally.

(2) Ambulance transportation may be provided when medical necessity is clearly demonstrated and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) The following policies apply to the provision of air ambulance transportation:

(a) Air ambulance transportation may be provided when:

(i) Necessary medical treatment is not available locally; and

(ii) The emergent need for medical treatment and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Intrastate air ambulance transportation must be approved by the local medical consultant.

(c) Out-of-state air ambulance transportation must be approved by the medical director, office of medical policy and procedure.

(4) Cabulance transportation may be provided when medical necessity is clearly demonstrated and the physical condition of the recipient

is such that any less specialized means of transportation is inadvisable. Approval by the local medical consultant is required.

(5) Transportation by taxi may be provided only when approved by the local medical consultant. "Taxi shared ride service" must be utilized when transportation can be scheduled at least four hours in advance and the "shared ride service" is available in the community.

(6) Transportation by private automobile other than owned by recipient is payable at rates established by the department when approved through the community service office.

(7) Transportation to medically necessary and covered services by private automobile owned by recipient is payable at rates established by the department under the following conditions:

(a) Prior approval must be obtained from the local community services office unless an emergency situation exists;

(b) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need. Other transportation will be presumed available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available;

(c) Transportation shall not be provided outside of the local community unless necessary medical care is not available locally, and transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical services.

(8) Transportation by intercity bus may be provided when approved through the local community service office.

~~((8))~~ (9) The following policies apply to the provision of commercial air transportation:

(a) Commercial air transportation may be provided when:

(i) Transportation is medically necessary; and

(ii) Necessary medical treatment is not available locally; and

(iii) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Intrastate commercial air transportation requires prior approval by the local medical consultant.

(c) Out-of-state commercial air transportation requires prior approval through the local medical consultant and the medical director, office of medical policy and procedure.

~~((9))~~ (10) All patient transportation services provided to recipients of the limited casualty program—medically indigent require approval of the local medical consultant.

WSR 84-17-005
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2135—Filed August 3, 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 patient transportation, amending WAC 388-86-085.

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 a court order in the case of Van Hoy vs. Gibbs, case number 83-2-01178-4.

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

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED August 2, 1984.

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

AMENDATORY SECTION (Amending Order 1743, filed 12/30/81)

WAC 388-86-085 PATIENT TRANSPORTATION. (1) The department will assure the availability of necessary transportation for recipients to and from medical care services covered under the medical assistance program in accordance with the following guidelines:

(a) "Patient transportation" shall be provided only when other sources of transportation are not available.

(b) Transportation shall be provided for the least expensive available means suitable to the recipient's medical need.

(c) Transportation shall be provided only to medical care within the local community unless necessary medical care is not available locally.

(2) Ambulance transportation may be provided when medical necessity is clearly demonstrated and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(3) The following policies apply to the provision of air ambulance transportation:

(a) Air ambulance transportation may be provided when:

(i) Necessary medical treatment is not available locally; and

(ii) The emergent need for medical treatment and the physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Intrastate air ambulance transportation must be approved by the local medical consultant.

(c) Out-of-state air ambulance transportation must be approved by the medical director, office of medical policy and procedure.

(4) Cabulance transportation may be provided when medical necessity is clearly demonstrated and the physical condition of the recipient is such that any less specialized means of transportation is inadvisable. Approval by the local medical consultant is required.

(5) Transportation by taxi may be provided only when approved by the local medical consultant. "Taxi shared ride service" must be utilized when transportation can be scheduled at least four hours in advance and the "shared ride service" is available in the community.

(6) Transportation by private automobile other than owned by recipient is payable at rates established by the department when approved through the community service office.

(7) Transportation to medically necessary and covered services by private automobile owned by recipient is payable at rates established by the department under the following conditions:

(a) Prior approval must be obtained from the local community services office unless an emergency situation exists;

(b) Recipient's own automobile must be the least expensive available means suitable to the recipient's medical need. Other transportation will be presumed available if the location of medical services is not more than twenty miles from the recipient's home or if public transportation is available;

(c) Transportation shall not be provided outside of the local community unless necessary medical care is not available locally, and transportation outside of the local medical community shall be to a reasonable and least costly location where providers are able and willing to provide the necessary and covered medical services.

(8) Transportation by intercity bus may be provided when approved through the local community service office.

((8)) (9) The following policies apply to the provision of commercial air transportation:

(a) Commercial air transportation may be provided when:

(i) Transportation is medically necessary; and

(ii) Necessary medical treatment is not available locally; and

(iii) The physical condition of the recipient is such that the use of any other method of transportation is inadvisable.

(b) Intrastate commercial air transportation requires prior approval by the local medical consultant.

(c) Out-of-state commercial air transportation requires prior approval through the local medical consultant and the medical director, office of medical policy and procedure.

((9)) (10) All patient transportation services provided to recipients of the limited casualty program—medically indigent require approval of the local medical consultant.

WSR 84-17-006

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Order 2136—Filed August 3, 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 home health agency regulations, new chapter 248-27 WAC.

This action is taken pursuant to Notice No. WSR 84-12-078 filed with the code reviser on June 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 70.126-.040 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 70.126 RCW.

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

APPROVED AND ADOPTED August 1, 1984.

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

Chapter 248-27 WAC

HOME HEALTH AGENCY REGULATIONS

NEW SECTION

WAC 248-27-001 PURPOSE. The purpose of these rules and regulations is to establish standards for operation of certified home health agencies. These rules are promulgated pursuant to chapter 70.126 RCW directing the department of social and health services to adopt rules establishing standards for certification of home health care agencies.

NEW SECTION

WAC 248-27-002 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Administrator" means a person managing and responsible for the day-to-day operation of each certified home health agency who has at least one year of administrative experience and/or training.

(2) "Ambulance" means a vehicle defined and licensed pursuant to chapter 18.73 RCW, Emergency Medical Care and Transportation Services, and chapter 248-17 WAC, Ambulance Rules and Regulations.

(3) "Bylaws or equivalent" means a set of rules adopted by a home health care agency for governing the agency operation.

(4) "Branch office" means an extension of the home health agency providing the same home health care services as the home health care agency. Each branch office is located within thirty miles or one hour travel time by car from the home health agency unless the branch office demonstrates, to the satisfaction of the department, the ability to share administration and supervision of home health care services on a daily basis with the home health agency. Branch offices share administration and supervision of direct home health care services in a manner rendering it unnecessary for the branch office to independently meet the requirements of chapter 248-27 WAC.

(5) "Certification" means a formal initial and periodic evaluation of a home health care agency by the department which may result in issuance of written approval, in the form of a certificate, signifying operation of that agency is in accordance with standards of the department pursuant to chapter 70.126 RCW and chapter 248-27 WAC.

(6) "Clinical-progress note" means a written, dated notation of each contact with a patient containing a description of signs and symptoms, treatments, medications

given, the patient reaction, any changes in physical or emotional condition, and other pertinent information.

(7) "Department" means the department of social and health services.

(8) "Governing body" means the individual or group with responsibility and authority to establish policies related to operation of a home health agency.

(9) "Home health agency" means a private or public agency or organization administering and providing home health care and certified by the department of social and health services as a home health care agency, pursuant to chapter 70.126 RCW.

(10) "Home health aide" means a person employed by a home health agency providing part-time or intermittent care of home health agency patients under the supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist. Such care includes ambulation and exercise, assistance with medications ordinarily self-administered, reporting changes in patients' conditions and needs, completing appropriate records, and personal care or household services needed to achieve the medically desired results.

(11) "Home health care" means services, supplies, and medical equipment meeting the standards of RCW 70.126.020 and chapter 248-27 WAC, prescribed and authorized by the attending physician, provided through a home health agency and rendered to patients in their residences when hospitalization would otherwise be required.

(12) "Legend drugs" means any drugs required by any applicable federal or state law or regulation to be dispensed on prescription only or restricted to use by practitioners only.

(13) "Licensed practical nurse" means an individual licensed as a practical nurse under provisions of chapter 18.78 RCW, Practical Nurses.

(14) "May" means permissive or discretionary on the part of the department.

(15) "Occupational therapist" means an individual licensed as a registered occupational therapist pursuant to RCW 18.____.

(16) "Owner" means the individual, partnership, corporation, or legal successor thereof, applying for department certification or recertification or renewal of certification of a home health agency and providing evidence of intent and ability to comply with standards pursuant to chapter 70.126 RCW and chapter 248-27 WAC.

(17) "Personnel" means employees, individuals, and groups providing patient care on behalf of a home health agency.

(a) "Direct personnel" means employees and those individuals providing patient care in behalf of a home health agency on a per visit basis or any other individual home health agency employment agreement which shall require home health agency responsibility for orientation, job descriptions, specifying qualifications, screening of applicants appropriate to fill positions, and administrative and professional evaluation.

(b) "Other personnel" means those individuals providing patient care and functioning according to a contract or written agreement between the home health

agency and another organization or agency, with the contract specifying all individual deliverers of patient care meet qualifications required for the job to be done with professional evaluation by the contractee.

(18) "Physical therapist" means an individual practicing physical therapy as defined in chapter 18.74 RCW, Physical Therapy, under the prescription and direction of a physician.

(19) "Physician" means an individual currently licensed as a physician pursuant to chapter 18.71 RCW or an osteopathic physician and surgeon licensed pursuant to chapter 18.57 RCW.

(20) "Plan of treatment" means a written plan of care established and periodically reviewed and signed by a physician that describes medically necessary home health care to be provided to a patient for treatment of illness or injury.

(21) "Professional advisory group" means a group including at least one physician and one registered nurse and professionals from other disciplines representing the scope of services provided by the home health agency. At least one-third of the members shall be neither owners nor employees of the home health agency.

(22) "Registered nurse" means an individual currently licensed pursuant to chapter 18.88 RCW, Registered Nurses.

(23) "Respiratory therapist" means an individual certified (CRTT) or registered (RRT) as defined and prescribed in "information about NBRC," National Board of Respiratory Care, 11015 West 75th Terrace, Shawnee Mission, Kansas 66214, 1983.

(24) "Shall" means compliance is mandatory.

(25) "Social worker" means a person having a masters degree from a college of social work accredited by the council on social work education and having completed one year of social work experience in a health care setting.

(26) "Speech therapist" means a person:

(a) Meeting the education and experience requirements for a certificate of clinical competence in the appropriate area of speech pathology or audiology, granted by the American speech, language, and hearing association as described in "The ASHA Directory," American Speech, Language and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or

(b) Meeting the education requirements for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in "The ASHA Directory," 1983.

(27) "Summary report" means a written, dated notation summarizing facts about home health care given, patient response to home health care, and coordination of home health care.

(28) "Supervision" means authoritative procedural guidance by a qualified person who assumes the responsibility for the accomplishment of a function or activity and who provides initial direction and periodic inspection of the actual act of accomplishing the function or activity.

(29) "Therapy services" means those services delivered by any deliverer of care listed in RCW

70.126.020(1)(a) and 70.126.020(2)(a), (b), (c), and (d).

(a) "Required therapy services" means, for purposes of meeting certification requirements, those services delivered by at least one of the following in addition to a registered nurse: Physical therapist, occupational therapist, speech therapist, or home health aide on a part-time or intermittent basis pursuant to RCW 70.126.020(1)(a).

(b) "Additional therapeutic services" means, for purposes of meeting certification requirements, those services delivered by licensed practical nurses, respiratory therapists, social workers, and ambulance: PROVIDED, That these services are medically necessary, ordered by the attending physician, and included in the plan of treatment.

NEW SECTION

WAC 248-27-010 CERTIFICATION OF THE HOME HEALTH AGENCY. (1) An application for home health agency certification shall be submitted on forms furnished by the department, accompanied by the fee. Applications shall be signed by the owner or designated agent.

(a) The applicant shall furnish to the department full and complete information as required by the department for the proper administration of these requirements.

(b) Fees established by the department shall be paid as required in RCW 43.20A.055 and chapter 440-44 WAC.

(2) The department may at any time inspect those parts of the premises of the home health agency and examine those records necessary to determine compliance with this chapter, pertaining to home health agency state certification requirements pursuant to chapter 70.126 RCW and chapter 248-27 WAC.

(a) The certificate shall be valid for a maximum of twenty-four months,

(b) Each certificate shall be issued for the home health agency including branch offices, and

(c) The certificate shall not be transferable or assignable.

(3) A home health agency certificate may be denied, suspended, or revoked for failure to comply with chapter 70.126 RCW or chapter 248-27 WAC. Any action to deny, suspend, or revoke certification shall comply with chapter 34.04 RCW, Administrative Procedure Act.

(4) When a change of ownership is planned, the owner shall notify the department at least thirty days prior to the date of transfer.

(a) The notification shall be written and contain the following information:

(i) Full name of the current owner and prospective new owner,

(ii) Name and address of the home health agency, and

(iii) The date of the proposed change of ownership.

(b) The prospective new owner shall submit a new application for home health certification with the fee at least thirty days prior to the change of ownership.

(c) A new home health agency certification shall be issued only following approval of the application by the department.

(5) The home health agency shall inform the department at the time of opening or closing of branch offices.

NEW SECTION

WAC 248-27-020 GENERAL REQUIREMENTS. (1) Organization, services provided, administrative control, and lines of authority for the delegation of responsibility to the patient care level shall be clearly set forth in writing and readily identifiable.

(a) Administrative and supervisory functions shall not be delegated to another agency or organization.

(b) All services not provided directly shall be monitored and controlled by the home health agency, including services provided through branch offices.

(2) Part-time or intermittent registered nurse services and at least one other required therapy service shall be made available on a visiting basis, in a place of residence used as a patient's home.

(a) A home health agency shall provide part-time or intermittent registered nursing primarily through use of direct personnel.

(b) Additional therapy services may be provided through direct personnel or other personnel: PROVIDED, That all services are monitored and controlled pursuant to WAC 248-27-020(1)(a) and (b).

(3) The home health agency shall, as applicable under a written plan of treatment, provide home health care which shall include assisting the patient with arrangements for obtaining drugs, supplies, and equipment pursuant to RCW 70.126.020(1)(b)(i), (ii), and (iii).

(4) Registered nurse and therapy services offered by the home health agency shall be:

(a) Ordered by the attending physician,

(b) Included in the physician-approved plan of treatment, and

(c) Provided or delivered by individuals described or defined in RCW 70.126.020(1)(a), (2)(a), (b), (c), and (d) and chapter 248-27 WAC.

NEW SECTION

WAC 248-27-030 GOVERNING BODY—ADMINISTRATION. (1) There shall be a governing body assuming authority and responsibility for:

(a) Establishing policy related to safe, adequate patient care and operation of the agency;

(b) Appointing an administrator;

(c) Arranging for professional services;

(d) Adopting and periodically reviewing written by-laws or an acceptable equivalent;

(e) Overseeing the management and fiscal affairs of the agency; and

(f) Assuring written annual evaluation of the clinical programs.

(2) The administrator, when qualified, may also function as the supervising physician or registered nurse, and shall:

(a) Organize and direct the agency's ongoing functions;

(b) Maintain ongoing liaison among the governing body, the professional advisory group, and the staff;

- (c) Employ qualified personnel and ensure adequate staff education and evaluation;
- (d) Ensure the accuracy of public information materials and activities;
- (e) Implement an effective budgeting and accounting system; and
- (f) Authorize in writing a qualified alternate to act in his or her absence.

NEW SECTION

WAC 248-27-040 PERSONNEL. (1) Personnel practices shall be supported by written personnel policies.

- (2) Personnel records shall include:
 - (a) Job descriptions, including minimum qualifications for position;
 - (b) Qualifications of direct personnel;
 - (c) Evidence of current licensure when applicable;
 - (d) Performance evaluations;
 - (e) Evidence of annual cardiopulmonary resuscitation training for registered nurses and personnel providing therapy services;
 - (f) Evidence of review of agency policy and procedures related to abuse and neglect of children and adults for registered nurses and personnel providing therapy services; and
 - (g) Health records minimally to include evidence of one tuberculin skin test by the Mantoux method unless medically contraindicated, with specifications as follows:
 - (i) Upon employment, each person expected to have contact with patients shall have or provide documented evidence of a tuberculin skin test by the Mantoux method.
 - (ii) When the skin test is negative (less than ten millimeters of induration), no further tuberculin skin testing shall be required.
 - (iii) A positive skin test consists of ten millimeters or more of induration read at forty-eight to seventy-two hours.
 - (iv) Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exceptions and specific requirements follow:
 - (A) Results of skin tests, report of x-ray findings or exemptions to such shall be maintained in the home health agency.
 - (B) Those with positive skin tests having completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from further testing.

(3) Personnel with a communicable disease in an infectious stage shall not provide direct patient care.

(4) There shall be documentation of orientation of direct personnel to home health agency standards and policies and procedures.

(5) Each home health agency shall provide evidence direct personnel are provided opportunities for ongoing education related to safe, current practice.

(6) If personnel are provided by arrangement with another agency, there shall be a written contract between the agencies. If personnel under hourly or per visit contracts are utilized by a home health agency, there shall be a written contract between each entity and the

home health agency. All contracts with other agencies or entities shall clearly designate:

- (a) Patients are accepted for home health care only by the home health agency,
- (b) Services to be provided;
- (c) Necessity to conform to all applicable home health agency policies, including personnel qualifications;
- (d) Responsibility for participating in developing plans and treatment and case conferences;
- (e) Responsibility for supervision of home health aides, when appropriate;
- (f) The manner in which services will be controlled, coordinated, and evaluated by the home health agency;
- (g) Procedures for submitting clinical progress notes, summary reports, scheduling of visits, periodic patient assessment; and
- (h) Procedures for determining charges and reimbursement.

NEW SECTION

WAC 248-27-050 PROFESSIONAL ADVISORY GROUP. There shall be a professional advisory group:

- (1) Advising the home health agency on clinical issues,
- (2) Assisting the home health agency to maintain liaison with other health care providers in the community,
- (3) Participating in the annual agency evaluation with recommendations forwarded to the governing body for home health agency policies related to:
 - (a) The scope of services offered,
 - (b) Admission and discharge,
 - (c) Medical supervision and plans of treatment,
 - (d) Clinical policies,
 - (e) Infection control policies,
 - (f) Emergency and safety policies,
 - (g) Clinical records,
 - (h) Clinical personnel qualifications, and
 - (i) Quality assurance and utilization review mechanisms.

NEW SECTION

WAC 248-27-060 QUALITY ASSURANCE—UTILIZATION REVIEW—EVALUATION. (1) Each home health agency shall have written policies requiring an annual overall evaluation of the agency's total program including the quality assurance program and utilization review.

(2) The annual evaluation of the home health agency shall be the responsibility of the governing body with participation of the professional advisory group and home health agency staff and consumers, or by persons outside of the agency representing the scope of clinical programs working in conjunction with consumers.

(3) The home health agency annual evaluation shall include assessment of the appropriateness, adequacy, effectiveness, and efficiency of the agency with collection, review, and evaluation of data minimally to include:

- (a) Number of patients receiving each service offered,
- (b) Number of patient visits with breakdown by total number of visits by each discipline,

(c) Length or duration of services per patient with reasons for discharge,

(d) Breakdown by diagnosis,

(e) Sources of referral,

(f) Number of patients provided assessment-only visits with reasons for not continuing home health care, and

(g) Total clinical personnel hours for each registered nurse and therapy service provided.

(4) Results of the home health agency evaluation shall be reported in writing to the governing body with reports maintained separately as administrative records and acted upon by those responsible for operation of the agency.

(5) At least quarterly, appropriate health professionals representing at least the scope of the program shall review a sample of both active and closed clinical records to determine established policies have been followed in providing direct personnel services as well as other personnel services with a written report of findings as a part of administrative files.

(a) An appropriate sample shall consist of ten percent of both active and closed clinical records for any defined consecutive twelve-month period unless the home health agency demonstrates, to the satisfaction of the department, a sample of fewer records is appropriate.

(b) The quarterly sample shall include records involving the various services provided in proportion to the numbers of patients receiving such services.

(c) In instances where a patient is receiving two or more services, that record may be included in the sample of each service.

(d) The review shall address:

(i) Physician review of plan of treatment at appropriate intervals;

(ii) Presence of written, physician-signed orders;

(iii) Appropriateness of patient plan of treatment and care to diagnosis and patient needs;

(iv) Correlation of frequency of visits with plan of treatment;

(v) Unmet patient needs at time of discharge; and

(vi) Problem cases.

NEW SECTION

WAC 248-27-070 PATIENT CARE POLICIES AND PROCEDURES. (1) There shall be written patient care policies and procedures designed to guide personnel minimally to include:

(a) Infection control;

(b) Emergency care, patient safety, and patient or other death;

(c) Abuse or neglect pursuant to chapter 26.44 RCW;

(d) Safety, cleanliness, and maintenance of equipment and supplies provided or utilized by the home health agency;

(e) Admission, transfer, and discharge of patients;

(f) Management and handling of patient-owned drugs in the patient's place of residence; and

(g) Termination of service and advising patient of termination of service.

(2) Written approval shall be obtained from the Washington state board of pharmacy for any home health agency distributing legend drugs from an inventory of such drugs maintained or stored by the home

health agency. Said written approval shall be available in the home health agency.

NEW SECTION

WAC 248-27-080 SUPERVISION AND COORDINATION OF CLINICAL SERVICES. (1) The registered nurse and therapy services provided shall be supervised and directed by a physician or a registered nurse having been a practicing registered nurse or physician for at least one year and employed by the home health agency. This person or similarly qualified registered nurse or physician shall be available at all times during operating hours and participate in all activities relevant to the clinical services provided including:

(a) Development of qualifications for employment and assignment of clinical personnel,

(b) Development and revision of written patient care objectives and patient care policies related to each service rendered by the agency, and

(c) Planning and implementation of orientation and training for clinical services.

(2) Liaison among registered nurse and therapy service personnel providing home health care for each patient shall be maintained so that efforts effectively complement one another and support objectives outlined in the plan of treatment with documented evidence of coordination of services to include:

(a) Reports in clinical records,

(b) Reports of case conferences,

(c) Reports of other interdisciplinary communication, and

(d) A written summary report for each patient which shall be forwarded to the attending physician at least every sixty days or when patient condition indicates the need to communicate change and at discharge.

NEW SECTION

WAC 248-27-090 ACCEPTANCE—MEDICAL SUPERVISION—PLAN OF TREATMENT. (1) Patients shall be accepted for treatment on the basis of a reasonable expectation that the patient's plan of treatment can be implemented adequately by the agency in the patient's place of residence.

(2) Home health care shall follow a written plan of treatment approved and periodically reviewed by a physician.

(3) A plan of treatment shall be developed in consultation with home health agency personnel to cover all pertinent diagnoses including:

(a) Mental status;

(b) Types of services and equipment required;

(c) Frequency of visits;

(d) Prognosis;

(e) Rehabilitation potential;

(f) Functional limitations;

(g) Activities permitted;

(h) Nutritional requirements;

(i) Medications and treatments;

(j) Any safety measures to protect against injury;

(k) Instructions for timely discharge or referral;

(l) Any other appropriate items, e.g., laboratory procedures, and any contraindications or precautions to be observed; and

(m) Specific objectives and plans for implementation.

(4) If a physician refers a patient under a plan of treatment not completed until after an evaluation visit, the physician shall be consulted to approve additions or modifications to the original plan.

(5) The plan of treatment shall include the specific procedures and modalities to be used and the amount, frequency, and duration.

(6) The total plan of treatment shall be reviewed by the attending physician and home health agency personnel as often as severity of a patient's condition requires, but at least once every sixty days.

(7) Home health agency clinical personnel shall promptly alert the physician to any changes suggesting a need to alter the plan of treatment.

(8) Drugs and treatments, when administered by home health agency personnel, shall be administered by legally authorized personnel and as ordered by the attending physician.

(9) Verbal or phone orders issued by a physician shall be received only by authorized personnel.

(a) Orders shall be immediately recorded by the nurse or therapist accepting the order.

(b) Counter-signature of the physician shall be obtained.

(10) Suspected drug allergies, adverse reactions to drugs, or other problems related to patient use of drugs shall be promptly reported to the attending physician.

NEW SECTION

WAC 248-27-100 NURSING AND THERAPY SERVICES—FUNCTIONS. (1) The home health agency shall provide services of registered nurses directly and therapy services directly, or under arrangement, which are:

(a) Delivered or provided by a registered nurse, licensed practical nurse, physical therapist, occupational therapist, speech therapist, social worker, respiratory therapist, or home health aide as defined in WAC 248-27-002;

(b) Supervised by registered nurse or physician pursuant to WAC 248-27-002 and WAC 248-27-080;

(c) Ordered by the attending physician; and

(d) Provided in accordance with the approved plan of treatment pursuant to WAC 248-27-002 and WAC 248-27-090.

(2) Functions of registered nurses, physical therapists, occupational therapists, speech therapists, and respiratory therapists include:

(a) Initial evaluation visit, appropriate to service prescribed by physician;

(b) Initiation and/or participation in development of a plan of treatment, revising as necessary;

(c) Provision of services in accordance with home health agency policy and procedures;

(d) Direct provision of those services requiring substantial and specialized nursing or therapy skills;

(e) Initiation of appropriate preventive and rehabilitative nursing or therapy procedures;

(f) Participation in inservice programs and consultation with other agency personnel;

(g) Participation in case conferences or other processes used to coordinate patient care;

(h) Teaching and counseling patients and family to meet patient needs identified in plan of treatment;

(i) Regular re-evaluation of patient nursing or therapy needs;

(j) Preparation of clinical progress notes and summary reports;

(k) Informing the attending physician, other personnel, and supervising registered nurse or physician of changes in the patient's condition and needs;

(l) Participation in discharge planning;

(m) Development of written directions or plan of care for use by home health aide, when home health aides are ordered by the physician; and

(n) Supervision and orientation of home health aide to assure safe, therapeutic patient care.

(3) Functions of licensed practical nurses shall be in accordance with home health agency policies and chapter 18.78 RCW.

(4) Social services, when provided, shall be provided by or under supervision of a social worker, as ordered by the attending physician, and in accordance with the plan of treatment. Those providing social services under supervision of a social worker shall hold a baccalaureate degree in social work or psychology or other field related to social work and shall have one year social work experience in a health care setting. Social service functions include:

(a) Assisting and consulting with patient, family, physician, personnel, and appropriate community agencies to increase understanding of significant social and emotional factors related to health or medical problems of the patient;

(b) Participation in development of the plan of treatment, case conferences, and other processes used to coordinate patient care;

(c) Identification, mobilization, and utilization of appropriate community resources;

(d) Participation in discharge planning;

(e) Participation in inservice programs; and

(f) Preparation of clinical progress notes and/or summary reports.

(5) Home health aide services, when appropriate, shall be:

(a) Included in the plan of treatment;

(b) Provided by a home health aide following specific written instructions;

(c) Under the supervision of the home health agency and a registered nurse, physical therapist, occupational therapist, or speech therapist with:

(i) Documented orientation of the home health aide to the specific home health care of each patient, and

(ii) Evidence of supervision by the appropriate registered nurse or therapist at least every two weeks.

(d) Provided by a home health aide who can follow written and oral directions and prepare reports.

(e) There shall be evidence of a home health agency orientation and training to include:

- (i) Functions and responsibilities of a home health aide;
- (ii) Purpose and goals of the home health agency;
- (iii) Documentation and record keeping;
- (iv) Rights of people receiving care in their homes;
- (v) Ethics and confidentiality;
- (vi) Personal care activities and simple nursing or therapy procedures including when and to whom to report any change in patient condition;
- (vii) Promotion of a safe, clean, healthful environment;
- (viii) Emergency procedures; and
- (ix) Assistance with medications ordinarily self-administered by the patient, with assistance limited to:
 - (A) Communication of appropriate information to the patient regarding self-administration, and
 - (B) Presenting a patient-owned, pharmacist, or manufacturer prepared, unopened, original medication container to the patient.

NEW SECTION

WAC 248-27-120 CLINICAL RECORDS. (1) A clinical record shall be maintained in accordance with accepted professional standards and shall contain:

- (a) Pertinent past and current findings;
- (b) Plan of treatment;
- (c) Appropriate identifying information;
- (d) Name of attending physician;
- (e) Drug, dietary, treatment, and activity orders;
- (f) Signed and dated summary reports; and
- (g) Signed and dated clinical progress notes:
 - (i) Written on the day service is rendered, and
 - (ii) Incorporated in the clinical record within one week from the day service was rendered or more frequently.
- (2) Clinical records shall be retained or information readily retrievable in Washington state for a period of no less than ten years following the most recent discharge of the patient from home health agency care.
- (3) Records of minors shall be retained and preserved for a period of no less than three years following attainment of age eighteen years, or ten years following discharge from home health agency care, whichever is longer.
- (4) There shall be policies specific to retention and disposition of clinical records.

(a) If a home health agency discontinues operation, arrangements shall be made to preserve clinical records with the plan for such arrangements approved by the department prior to cessation of operation.

(b) Final disposal of clinical records or patient care data shall be accomplished in such a manner that retrieval and subsequent use of information are impossible.

(c) In the event of patient transfer to another home health agency or to a health care facility, a copy of the clinical record or an abstract and a copy of the most recent summary report shall accompany the patient. When patients are transferred without notification of the home health agency, a copy or abstract shall be forwarded upon notification and as soon as possible.

(5) Clinical record information shall be safeguarded against loss or unauthorized use.

(a) There shall be written procedures governing use and removal of records and conditions for release of information.

(b) Release of information not authorized by law shall require prior written consent of the patient, in accordance with written policy of the home health agency.

WSR 84-17-007

EMERGENCY RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 421—Filed August 3, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the southwest area.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to the continued dry weather and the forecasted weather conditions in shutdown zones 660 and 621 east, in the southwest area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 3, 1984.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTHWEST AREA. Department of Natural Resources Shutdown Zones affected by this restriction are zones 660, in parts of Skamania and eastern Lewis, Clark, and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Southwest Area.

Effective midnight Friday, August 3, 1984 through midnight Tuesday, August 7, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon

(1200 hr) to midnight (2400 hr) each day of the shutdown period.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in Shutdown Zones 660 and 621 East, located in the Southwest Area, during the period midnight Friday, August 3, 1984 through midnight Tuesday, August 7, 1984.

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 84-17-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 3, 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 Limited casualty program—Medically indigent—Certification, amending WAC 388-100-025;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 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 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by September 13, 1984. The meeting site is in a location which is barrier free.

Dated: August 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 388-100-125.

Purpose of the Rule Change: To have good cause applied in a consistent way.

The Reason These Rules are Necessary: Fair hearing decisions are not consistent.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Ignorance of the seven day rule does not establish good cause.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Phone: 3-7316.

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

AMENDATORY SECTION (Amending Order 1972, filed 6/16/83)

WAC 388-100-025 CERTIFICATION. (1) An applicant shall be certified from the date spenddown and deductible requirements are met through the duration of treatment for the acute and emergent medical condition not to exceed the three calendar month period which begins with the month of application.

(2) An applicant who has been medically determined to be pregnant may apply and be certified for separate three-month periods through the duration of the pregnancy. The three-month limitation in subsection (1) of this section may be extended up to six weeks after delivery to cover the post partum care, which includes routine care for the newborn. Beyond this period of time eligibility for the mother or the newborn shall be determined separately.

(3) All medically indigent applicants shall be individually notified in writing of the disposition of their application.

(4) Any change in circumstances shall be promptly reported to the local community services office.

(5) Certification may be up to seven working days prior to the date of receipt of a written request for assistance. The department may waive the seven-day rule if a person fails to apply for medical reasons or other good cause. Ignorance of the seven day rule does not establish good cause.

WSR 84-17-009
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 3, 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 Payment—Hospital care, amending WAC 388-87-070.

It is the intention of the secretary to adopt these rules on an emergency basis on October 1, 1984;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 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 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by September 13, 1984. The meeting site is in a location which is barrier free.

Dated: August 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 388-87-070.

Purpose of the Rule Change: To change the hospital reimbursement system.

The Reason These Rules are Necessary: To control hospital cost increases.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Changes the hospital reimbursement system to the diagnostic related group reimbursement.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Taylor Dennen, Supervisor, Division of Medical Assistance, Mailstop: LE-11, Phone: 754-2591.

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

AMENDATORY SECTION (Amending Order 2099, filed 5/22/84)

WAC 388-87-070 PAYMENT—HOSPITAL CARE. (1) The department will pay hospital costs of eligible persons who are patients in general hospitals when such hospitals meet the criteria as defined in RCW 70.41.020.

((+)) Recipients must have been approved as financially and medically eligible for hospitalization. They are:

- (a) Categorically needy recipients;
- (b) Limited casualty program recipients;
- (i) Medically needy recipients;
- (ii) Medically indigent recipients;
- (c) Recipients of continuing general assistance.

(2) For hospital admissions and outpatient services occurring between July 1, 1982, and September 30, 1984, and for services described in subsection (5)(a) and subsection (6) of this section, except for nonallowable revenue codes, reimbursable cost will be determined by the application of the ratio of hospital commission approved operating expense and total rate setting revenue. For all administrative days, days of hospitalization in which medical necessity is below that appropriate for acute hospital care, the departments maximum reimbursement level will be the adjusted state-wide average per diem rate for skilled nursing facilities.

(3) However, for the period February 15, 1983, through June 30, 1983, reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	40.33 or less	4.4	0.30
2	40.34 - 45.98	17.9	0.36
3	45.99 - 57.28	18.7	0.42
4	57.29 - 68.59	28.0	0.48
5	68.60 or more	20.1	0.54

(4) However, for the period April 1, 1984, through (June) September 30, ((1985)) 1984, and for services described in subsection (5)(a) of this section reductions in the payment rate will be applied to services provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Point Reduction in Payment Rate	Percent Reduction Total Rate Setting Revenue
1	39.39 or less*	2.7	0.274
2	39.40 - 44.48	11.5	0.313
3	44.49 - 48.51	10.2	0.352
4	48.52 - 56.28	17.8	0.391
5	56.29 or more	22.9	0.430

* Plus Psychiatric Hospitals

(5) For inpatient hospital discharges related to admissions occurring on or after October 1, 1984, payment amounts will be determined according to a diagnosis-related group based pricing system. Payment amounts will be based upon historical average costs per discharge adjusted for case mix and indexed to the current period, with the following exceptions:

(a) The payment rates for certain rehabilitation, psychiatric, alcoholism treatment and detoxification, and long-term hospital-level care services will be determined in accordance with the methods described in subsection (2) of this section.

(b) The payment rates for cases meeting the criteria of cost outlier will be set at eighty percent of the rates determined in accordance with the methods described in subsection (2) of this section.

(c) For the period October 1, 1984, through June 30, 1985, reductions in the payment rate will be applied to services which are provided to persons eligible for the medically indigent component of the limited casualty program and recipients of continuing general assistance and are not covered under (a) and (b) of this subsection. For these two eligibility groups, hospitals will be statistically clustered into groupings on their base of full-charge paying patients. A different reduction in the per-case payment rate will be applied to each group of hospitals as follows:

Hospital Group	Percent Revenue from Full-Charge Paying Patients	Percentage Reduction in Payment Rate	Percent Reduction Total Rate-Setting Revenue
1	39.39 or less	2.7	0.274
2	39.40 - 44.48	11.5	0.313
3	44.49 - 48.51	10.2	0.352
4	48.52 - 56.28	17.8	0.391
5	56.29 or more	22.9	0.430

(6) For outpatient hospital services provided on or after October 1, 1984, payment rates will be determined in accordance with subsection (2) of this section.

WSR 84-17-010
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2130—Filed August 3, 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 minimum licensing standards for alcoholism treatment facilities, new chapter 248-26 WAC.

This action is taken pursuant to Notice No. WSR 84-12-004 filed with the code reviser on May 24, 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 71.12 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 1, 1984.

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

Chapter 248-26 WAC
MINIMUM LICENSING STANDARDS FOR AL-
COHOLISM TREATMENT FACILITIES

NEW SECTION

WAC 248-26-001 **PURPOSE.** Regulations relating to alcoholism treatment facilities are hereby adopted pursuant to chapter 71.12 RCW. The purpose of these regulations is to provide health and safety standards and procedures for the issuance, denial, suspension, and/or revocation of licenses for facilities, other than hospitals regulated pursuant to chapter 248-18 WAC or chapter 248-22 WAC, maintained and operated primarily for receiving or caring for alcoholics.

NEW SECTION

WAC 248-26-010 **DEFINITIONS.** For the purpose of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, competent, qualified, necessary, reasonable, reputable, satisfactory, sufficiently, effectively, appropriately, or suitable used in these rules and regulations to qualify an individual, a procedure, equipment, or building shall be as determined by the Washington state department of social and health services.

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

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

(b) "Emotional abuse" means verbal or nonverbal actions, outside of accepted therapeutic programs, which are degrading to a patient or constitute harassment.

(2) "Administrator" means an individual appointed as the chief executive officer by the governing body of a facility to act in the facility's behalf in the overall management of the alcoholism treatment facility.

(3) "Alcoholic" means a person with alcoholism.

(4) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(5) "Alcoholism counselor" means an individual having adequate education, experience, and knowledge regarding the nature and treatment of alcoholism and knowledgeable about community resources providing services alcoholics may need and who knows and understands the principles and techniques of alcoholism counseling with minimal requirements to include:

(a) A history of no alcohol or other drug misuse for a period of at least two years immediately prior to time of employment as an alcoholism counselor and no misuse of alcohol or other drugs while employed as an alcoholism counselor;

(b) A high school diploma or equivalent;

(c) Satisfactory completion of at least twelve quarter or eight semester credits from a college or university, including at least six quarter credits or four semester credits in specialized alcoholism courses.

(6) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.

(7) "Alteration" means changes requiring construction in an existing alcoholism treatment facility.

"Minor alteration" means any physical or functional modification within existing alcoholism treatment facilities not changing the approved use of a room or area. Minor alterations performed under this definition do not require prior review of the department; however, this does not constitute a release from any applicable requirements herein.

(8) "Area," except when used in reference to a major section of an alcoholism treatment facility, means a portion of a room containing the equipment essential to carry out a particular function and separated from other facilities of the room by a physical barrier or adequate space.

(9) "Authenticated" means written authorization of any entry in a patient treatment record by means of a signature including, minimally, first initial, last name, and title.

(10) "Authentication record" means a document which is part of each patient treatment record and includes identification of all individuals initialing entries in the treatment record: Full printed name, signature as defined in WAC 248-26-010(9), title, and initials that may appear after entries in the treatment record.

- (11) "Bathing facility" means a bathtub or shower.
- (12) "Counseling, group" means an interaction between two or more patients and alcoholism counselor or counselors for the purpose of helping the patients gain better understanding of themselves and develop abilities to deal more effectively with the realities of their environments.
- (13) "Counseling, individual" means an interaction between a counselor and a patient for the purpose of helping the patient gain a better understanding of self and develop the ability to deal more effectively with the realities of his or her environment.
- (14) "Detoxification" means care or treatment of an intoxicated person during a period where the individual recovers from the effects of intoxication.
- (a) "Acute detoxification" means a method of withdrawing a patient from alcohol where nursing services and medications are routinely administered to facilitate the patient's withdrawal from alcohol.
- (b) "Subacute detoxification" means a method of withdrawing a patient from alcohol utilizing primarily social interaction between patients and staff within a supportive environment designed to facilitate safety for patients during recovery from the effects of intoxication with no medications administered by the staff.
- (15) "Detoxified" means withdrawn from the consumption of alcohol and recovered from the effects of intoxication and any associated acute physiological withdrawal reactions.
- (16) "Department" means the Washington state department of social and health services.
- (17) "Facilities" means a room or area and/or equipment to serve a specific function.
- (18) "General health supervision" means provision of the following services as indicated:
- (a) Reminding a patient to self-administer medically prescribed drugs and treatments;
- (b) Encouraging a patient to follow a modified diet and rest or activity regimen when one has been medically prescribed;
- (c) Reminding and assisting a patient to keep appointments for health care services, such as appointments with physicians, dentists, home health care services, or clinics;
- (d) Encouraging a patient to have a physical examination if he or she manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment are indicated.
- (19) "Governing body" means an individual or group responsible for approving policies related to operation of an alcoholism treatment facility.
- (20) "Grade" means the level of the ground adjacent to the building measured at the required windows. The ground shall be level or sloped downward for a distance of at least ten feet from the wall of the building.
- (21) "Inpatient" means a patient to whom the alcoholism treatment facility is providing board and room on a twenty-four-hour-per-day basis.
- (22) "Intoxication" means acute or temporary impairment of an individual's mental or physical functioning caused by alcohol in the body.
- (23) "Intoxicated" means in the state of intoxication.
- (24) "Lavatory" means a plumbing fixture of adequate size and proper design for washing hands.
- (25) "Legend drug" means any drug required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or is restricted to use by practitioners only.
- (26) "Licensed nurse" means either a registered nurse or a licensed practical nurse.
- (a) "Licensed practical nurse" means an individual licensed pursuant to chapter 18.78 RCW.
- (b) "Registered nurse" means an individual licensed pursuant to chapter 18.88 RCW.
- (27) "May" means permissive or possible at the discretion of the department.
- (28) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a disregard of consequences of such magnitude as to constitute a clear and present danger to a patient's health, welfare, and/or safety.
- (29) "New construction" means any of the following:
- (a) New building to be used as an alcoholism treatment facility.
- (b) Additions to existing buildings to be used as an alcoholism treatment facility.
- (c) Conversion of existing buildings or portions thereof for use as an alcoholism treatment facility.
- (d) Alterations.
- (30) "Owner" means an individual, firm, partnership, corporation, company, association, or joint stock association or the legal successor thereof operating an alcoholism treatment facility whether he or she owns or leases the premises.
- (31) "Patient" means any individual receiving services for the treatment of alcoholism.
- (32) "Pharmacist" means an individual licensed as a pharmacist in the state of Washington pursuant to provisions of chapter 18.64 RCW.
- (33) "Physician" means an individual licensed under the provisions of chapter 18.71 RCW physicians, or chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery.
- (34) "Room" means a space set apart by floor to ceiling partitions on all sides with proper access to a corridor or a common-use living room or area and with all openings provided with doors or windows.
- (35) "Secretary" means the secretary of the Washington state department of social and health services.
- (36) "Shall" means compliance is mandatory.
- (37) "Should" means a suggestion or recommendation but not a requirement.
- (38) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.
- (39) "Toilet" means a disposal apparatus consisting of a hopper fitted with a seat and flushing device, used for urination and defecation.
- (40) "Usable floor space" means, in reference to patient sleeping room, the floor space exclusive of vestibules and closets, wardrobes, or portable lockers.

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

NEW SECTION

WAC 248-26-020 LICENSURE. (1) Application for License.

(a) An application for an alcoholism treatment facility license shall be submitted on forms furnished by the department. An application shall be signed by the owner of the facility, or his or her legal representative, and the administrator.

(b) The applicant shall furnish to the department full and complete information, and promptly report any changes.

(2) Disqualified Applicants.

(a) Each and every individual named in an application for an alcoholism treatment facility license shall be considered separately and jointly as applicants and, if anyone be deemed unqualified by the department in accordance with the law or these rules and regulations, the license may be denied, suspended, or revoked.

(b) A license may be denied, suspended, or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with these rules and regulations and, in addition, any of the following:

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

(ii) Permitting, aiding, or abetting the commission of any illegal act on the premises of the alcoholism treatment facility;

(iii) Cruelty, assault, abuse, neglect, or indifference to the welfare of any patient;

(iv) Misappropriation of the property of the patients; or

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual patient, the department, or the business community.

(c) Before granting a license to operate an alcoholism treatment facility, the department shall consider the ability of each individual named in the application to operate the alcoholism treatment facility in accordance with the law and these regulations. Individuals having been previously denied a license to operate a health or personal care facility in this state or elsewhere, or having been convicted civilly or criminally of operating such a facility without a license, or having had their license to operate such a facility suspended or revoked shall not be granted a license unless to the satisfaction of the department they affirmatively establish clear, cogent, and convincing evidence of their ability to operate the alcoholism treatment facility, for which the license is sought, in full conformance with all applicable laws, rules, and regulations.

(d) Individuals convicted of a felony, child abuse, and/or any crime involving physical harm to another person, or individuals identified as perpetrators of substantiated child abuse pursuant to chapter 26.44 RCW, shall be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, and/or administration of an alcoholism treatment

facility unless, to the satisfaction of the department, the individual establishes clear, cogent, and convincing evidence of sufficient rehabilitation subsequent to such conviction or abuse registry listing to warrant public trust.

(3) Submission of Plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That whenever any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing streets, driveways, water and sewage disposal systems, locations of buildings on the site, and grade elevations within ten feet of any building where patients are to be housed.

(b) Floor plans of each building where patients are to be housed. The floor plans shall provide the following information:

(i) Identification of each room by use of a system;

(ii) Identification of category of service intended for each room;

(iii) The usable square feet of floor space in each patient sleeping room;

(iv) The clear window glass area in each patient's sleeping room;

(v) The height of the lowest portion of the ceiling in any patient's sleeping room; and

(vi) Floor elevations referenced to the grade level.

(c) If new construction or remodeling is planned, requirements in WAC 248-26-020(7) shall apply.

(4) Classification or Categories of Alcoholism Treatment Services. For the purpose of licensing, alcoholism treatment services provided by alcoholism treatment facilities shall be classified as follows:

(a) Alcoholism detoxification services are either acute or subacute services required for the care and/or treatment of individuals intoxicated or incapacitated by alcohol during the initial period the body is cleared of alcohol and the individual recovers from the transitory effects of intoxication. Services include screening of intoxicated persons, detoxification of intoxicated persons, counseling of alcoholics regarding their illness to stimulate motivation to obtain further treatment, and referral of detoxified alcoholics to other, appropriate alcoholism treatment programs.

(b) Alcoholism intensive inpatient treatment services are those services provided to the detoxified alcoholic in a residential setting including, as a minimum, limited medical evaluation and general health supervision, alcoholism education, organized individual and group counseling, discharge referral to necessary supportive services, and a patient follow-through program after discharge.

(c) Alcoholism recovery house services are the provision of an alcohol-free residential setting with supporting services and social and recreational facilities for detoxified alcoholics to aid their adjustment to alcohol-free patterns of living and their engagement in occupational training, gainful employment, or other types of community activities.

(d) Alcoholism long-term treatment services are long-term provision of a residential care setting providing a structural living environment, board, and room for alcoholics with impaired self-maintenance capabilities needing personal guidance and assistance to maintain sobriety and optimum health status.

(5) Authorization and Designation of Categories of Alcoholism Treatment Service.

(a) The license issued to an alcoholism treatment facility shall show the category or categories of alcoholism treatment the facility is licensed to provide.

(b) For each category of alcoholism treatment service, the licensee shall designate and maintain the particular category or categories of service for which the department has shown approval on the license.

(c) If maintenance and operation are not in compliance with chapter 71.12 RCW or chapter 248-26 WAC, the department may deny, suspend, or revoke authorization to provide a particular category of treatment service.

(6) Posting of License. The license for an alcoholism treatment facility shall be posted in a conspicuous place on the premises.

(7) New Construction.

(a) When new construction is planned, the following shall be submitted to the department for review:

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

(ii) Duplicate sets of preliminary plans for new construction drawn to scale and including:

(A) A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building or buildings on the site;

(B) Plans of each floor of the building or buildings, existing and proposed, designating the function of each room and showing all fixed equipment;

(iii) Preliminary plans shall be accompanied by a statement as to:

(A) Source of the water supply;

(B) Method of sewage and garbage disposal; and

(C) A general description of construction and materials including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans for new construction, drawn to scale, and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

(i) Plot plan;

(ii) Plans of each floor of the building or buildings designating the function of each room and showing all fixed equipment;

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

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

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

(vi) Specifications fully describing the workmanship and finishes.

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

(d) All construction shall take place in accordance with the approved final plans and specifications.

(i) The department shall be consulted prior to making any changes from the approved plans and specifications.

(ii) When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change or changes for approval.

(iii) Only those changes approved by the department shall be incorporated into a construction project.

(iv) In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though it was not required these be submitted prior to approval.

(8) Exemptions.

(a) The secretary or designee may exempt an alcoholism treatment facility from compliance with parts of these regulations when it has been found after thorough investigation and consideration such exemption may be made in an individual case without jeopardizing the safety or health of the patients in the particular alcoholism treatment facility.

(b) The secretary or designee may, upon written application, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated, to the satisfaction of the secretary, to be at least equivalent to those prescribed.

(c) All exemptions or substitutions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the department and the alcoholism treatment facility.

(9) Compliance With Other Regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provision of RCW 71.12.485 which are found in chapter 212-40 WAC apply.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1979 edition, shall be followed.

(c) Compliance with these regulations does not exempt an alcoholism treatment facility from compliance with local and state electrical codes or local zoning, building, and plumbing codes.

(10) Transfer of Ownership. The possession or ownership of an alcoholism treatment facility shall not be transferred until the transferee has been notified by the department that the transferee's application for license has been approved.

(11) Denial, Suspension, or Revocation of License. Upon finding, as a result of an inspection, the facility has failed or refused to comply with the requirements of chapter 71.12 RCW or these rules and regulations, the department may deny, suspend, or revoke a license in accordance with RCW 34.04.170. Procedures governing hearings under these regulations shall be in accord with procedures set out in chapter 248-08 WAC. All hearings conducted under these regulations shall be deemed

to be contested cases within the meaning of chapter 34-.04 RCW.

NEW SECTION

WAC 248-26-030 ADMINISTRATIVE MANAGEMENT. (1) Governing body.

(a) The alcoholism treatment facility shall have a governing body responsible for adopting policies related to the conduct of the alcoholism treatment facility in accordance with applicable laws and regulations.

(b) The governing body shall provide for the personnel, facilities, equipment, supplies, and special services necessary to meet patient needs for services and to maintain and operate the facility in accordance with applicable laws and regulations.

(2) Administrator.

(a) There shall be an administrator at least twenty-one years of age, with no history of drug or alcoholism misuse for a period of two years prior to employment, to manage the alcoholism treatment facility in compliance with chapter 71.12 RCW and chapter 248-26 WAC.

(b) The administrator either shall be on duty or readily available at all times except when an alternate administrator meeting qualifications in this section is designated in writing or in written job description and is on duty or readily available.

(c) The administrator shall establish and maintain a current written plan of organization including all positions and delineating the functions, responsibilities, authority, and relationships of all positions within the alcoholism treatment facility.

(d) The administrator shall ensure the existence and availability of policies and procedures which are:

(i) Written, developed, reviewed, and revised as necessary to keep them current;

(ii) Dated and signed by persons having responsibility for approval of the policies and procedures;

(iii) Readily available to personnel; and

(iv) Followed in the care and treatment of patients.

(3) Personnel.

(a) There shall be sufficient numbers of qualified personnel, who are not patients, to provide services needed by patients and to properly maintain the alcoholism treatment facility. At least one staff person shall be on duty or in residence within the alcoholism treatment facility at all times.

(b) There shall be a written job description for each position classification within the facility.

(c) Upon employment each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method unless medically contraindicated. When this skin test is negative (less than ten millimeters of induration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive test consists of ten millimeters or more of induration read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(i) Those with positive tests who have completed a recommended course of preventive or curative treatment,

as determined by the local health officer, shall be exempted from testing.

(ii) Records of test results, x-rays, or exemptions to such shall be kept by the facility.

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

(e) A planned, supervised orientation shall be provided to each new employee to acquaint him or her with the organization of the facility, the physical plant layout, his or her particular duties and responsibilities, the policies, procedures, and equipment pertinent to his or her work, and the disaster plan for the facility.

(f) A planned, training program shall be provided to any employee not prepared for his or her job responsibilities through previous training.

(g) Records shall be maintained of orientation, on-the-job training, and continuing education provided for employees.

(h) At least one staff person on the premises shall be currently qualified to provide basic first aid and cardiopulmonary resuscitation.

(i) Medical or nursing responsibilities, functions, or tasks shall be consistent with current Washington state law governing physician or nursing practice.

(j) Records or documentation of compliance with employee requirements described in chapter 248-26 WAC shall be available.

NEW SECTION

WAC 248-26-040 PATIENT CARE AND SERVICES—GENERAL. (1) Individual treatment plan. For each patient, there shall be a plan individualized for treatment to include the treatment prescribed as well as assessment of physical, mental, emotional, social, and spiritual needs.

(a) The patient shall be encouraged to participate in development of the plan.

(b) Work assignments may be permitted when part of the individual treatment plan and under supervision of staff.

(2) General care and treatment.

(a) Each patient shall have available the equipment, supplies, and assistance needed to maintain personal cleanliness and grooming.

(b) The patient shall be treated in a manner respecting individual identity and human dignity with policies and procedures, as appropriate, to include:

(i) Protection from invasion of privacy: PROVIDED, That reasonable means may be used to detect or prevent contraband from being possessed or used on the premises;

(ii) Confidential treatment of clinical and personal information in communications with individuals not associated with the plan of treatment;

(iii) Means of implementing federal requirements related to confidentiality of records, Title 42, Code of Federal Regulations, Part 2, Federal Register, July 1, 1975;

(iv) Provision of reasonable opportunity to practice religion of choice insofar as such religious practice does not infringe upon rights and treatment of other patients or the treatment program in the alcoholism treatment

facility: PROVIDED, That a patient also has the right to refuse participation in any religious practice;

(v) Communication with significant others in emergency situations;

(vi) Freedom from physical abuse, corporal punishment, or other forms of abuse against the patient's will, including being deprived of food, clothes, or other basic necessities.

(c) Infection control, general.

(i) There shall be policies and procedures designed to prevent transmission of infection minimally to include aseptic techniques, handwashing, methods of cleaning, disinfecting or sterilizing, handling, and storage of all supplies and equipment.

(ii) There shall be reporting of communicable disease of patients in accordance with chapter 248-100 WAC.

NEW SECTION

WAC 248-26-050 HEALTH AND MEDICAL CARE SERVICES—ALL FACILITIES. (1) Admission and retention of patients shall be appropriate to services available.

(a) Each alcoholism treatment facility shall have written policies related to admission, retention, leave, and discharge.

(b) Patients manifesting signs and symptoms of a physical or mental condition requiring medical or nursing care not provided or available in the alcoholism treatment facility shall not remain in the facility. Staff shall facilitate movement of such patients to an appropriate setting as soon as possible and feasible.

(2) Each alcoholism treatment facility shall have a current, transfer agreement with a hospital licensed pursuant to chapter 70.41 RCW or chapter 71.12 RCW.

(3) Medical coverage.

(a) A physician shall be responsible for direction of all medical aspects of the alcoholism treatment program or programs with medical responsibility minimally to include approval of policies and procedures related to:

(i) Initial and ongoing medical screening and assessment of patients;

(ii) Care of patients with minor illnesses or other conditions requiring minor treatment or first aid; and

(iii) Medical emergencies.

(b) There shall be specific arrangements for physician services at all times with schedules, names, and phone numbers posted and available in appropriate locations. Physician services may include hospital emergency departments, group clinic practice, or equivalent emergency facilities.

(c) Medical emergency policy and procedures related to emergency situations shall minimally include:

(i) Delineation of circumstances, signs, and symptoms related to specific actions required of personnel;

(ii) Circumstances warranting immediate contact of physician services or other licensed personnel;

(iii) Minimum qualifications for staff executing procedures; and

(iv) Written approval or acceptance of medical emergency policies and procedures by administrator and responsible physician. When nursing services are provided,

approval or acceptance by the responsible registered nurse shall be included.

(4) Nursing services. Nursing services, when provided, shall be planned and supervised by a registered nurse minimally to include:

(a) Responsibility for any nursing functions performed by personnel in the alcoholism treatment facility.

(b) Selection, training, and written evaluation of personnel or volunteers providing nursing observation and/or care.

(c) Written nursing procedures to guide actions of personnel and volunteers providing nursing observation and/or care.

(5) Supplies. Appropriate supplies for first aid, medical, or nursing procedures shall be readily available.

(6) Safety measures.

(a) There shall be written policies and procedures governing actions of staff following any accident or incident jeopardizing a patient's health or life, minimally to include:

(i) Facilitation of patient protection and safety;

(ii) Investigation of accidents or incidents;

(iii) Institution of preventive measures insofar as possible;

(iv) Written documentation in the patient treatment record.

(b) There shall be provision for staff to gain immediate emergency access to any room occupied by a patient.

(7) Individual patient treatment/care records.

(a) There shall be an organized record system providing for:

(i) Maintenance of a current, complete, treatment record for each patient;

(ii) A systematic method of identifying and filing patient records so each record can be located readily;

(iii) Maintenance of the confidentiality of patient treatment records by storing and handling the records under conditions allowing only authorized persons access to the records.

(b) Each entry in the patient's treatment/care record shall be dated and authenticated by the signature and title of the person making the entry. (An authentication record system may be acceptable.)

(c) Each record shall be available to treatment staff and include:

(i) Identifying and sociological data including the patient's full name, birthdate, home address, or last known address if available;

(ii) Date of admission;

(iii) The name, address, and telephone number of the patient's personal physician or medical practitioner if available;

(iv) A record of the findings of any health screenings;

(v) A record of medical findings following examination by a medical practitioner;

(vi) A record of observations of the patient's condition;

(vii) A physician or legally authorized practitioner's written order for any modified diet served to the patient;

(viii) Orders for any drugs or medical treatment shall be dated and signed by a physician or legally authorized practitioner unless self-administered from a container

bearing an appropriate pharmacist-prepared label in accordance with instructions on that label;

(ix) A record of any administration of a medication or treatment to a patient by the person legally authorized to administer medications and/or observation of self-administration including time and date of administration and signature of the individual administering the medication or observing self-administration;

(x) Medical progress notes, when applicable, shall be made in the treatment record.

(8) Notification regarding change in patient's condition. A member of the patient's family or another person with whom the patient is known to have a responsible personal relationship shall be notified as rapidly as possible, upon the discretion of the treating physician, should a serious change in the patient's condition, transfer, or death of the patient occur: PROVIDED HOWEVER, That the patient is incapable of rational communication. Such notification shall not occur without the consent of the patient any time when the patient is capable of rational communication.

(9) Food services - general.

(a) Food service sanitation shall be governed by chapter 248-84 WAC rules and regulations of the state board of health governing food service sanitation.

(b) Areas used for storage and preparation of food shall be used only for performance of assigned food service duties. Through traffic is prohibited.

(c) There shall be current written policies and procedures to include safety, food acquisition, food storage, food preparation, serving of food, and scheduled cleaning of all food service equipment and work areas. These policies shall be readily available to all personnel.

(i) All personnel handling food, including patients assisting in food services, shall follow the procedures.

(ii) Cooking shall not be permitted in sleeping rooms.

(d) Food provided shall be appropriate to meet the needs of patients on a twenty-four hour basis.

(10) Food service - alcoholism intensive inpatient treatment, recovery house, long-term treatment services.

(a) There shall be a designated individual responsible for food service.

(b) Staff trained in food service procedures shall be present during all meal times when meals are served on the premises.

(c) Meals and nourishments shall be palatable, properly prepared, attractively served, and sufficient in quality, quantity, and variety to meet "Recommended Dietary Allowance," Food and Nutrition Board, National Research Council, 1980 edition, adjusted for activity unless medically contraindicated.

(i) At least three meals a day shall be served at regular intervals with not more than fourteen hours between the evening meal and breakfast.

(ii) There shall be written medical orders for any therapeutic diet served to a patient. Therapeutic diets shall be prepared and served as prescribed.

(iii) A current diet manual, approved in writing by a dietitian and physician, shall be used for planning and preparing diets.

(d) Menus shall be planned, written, and dated at least one week in advance.

(i) Food substitutions shall be of comparable nutritional value and recorded as served.

(ii) A record of planned menus with substitutions and food as served shall be retained for six months.

(iii) The written order of a legally authorized medical practitioner is required prior to serving any nutrient concentrate or supplement.

NEW SECTION

WAC 248-26-060 MEDICATION RESPONSIBILITY—ADMINISTRATION OF MEDICATIONS AND TREATMENTS. (1) There shall be provisions for timely delivery of necessary patient medications from a pharmacy so a physician's or legally authorized practitioner's orders for medication therapy can be implemented without undue delay.

(2) There shall be written policies and procedures providing for description of types of stock medications, procurement, storage, control, use, retention, release, and disposal of medications in accordance with applicable federal and state laws and regulations.

(a) There shall be adequate medication facilities providing for locked storage of all medications.

(b) There shall be a sink with hot and cold running water, other than the lavatory or sink in a toilet room, available.

(c) Medications, including stock medications, shall be accessible only to authorized staff.

(d) Stock internal and external medicine and medications shall be stored apart from each other.

(e) Medicine or medications requiring special storage conditions shall be stored according to manufacturer's or pharmacist's directions.

(f) The inside temperature of the refrigerator where drugs are stored shall be maintained within a thirty-five to fifty degree Fahrenheit range. Medication stored in a refrigerator shall be enclosed in a container to separate the medications from food or other products.

(g) All medications shall be obtained and kept in containers labeled securely and legibly by a pharmacist, or in original containers labeled by the manufacturer, and shall not be transferred from the container except for preparation of a single dose for administration. A label on a container of medication shall not be altered or replaced except by a pharmacist.

(i) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to a pharmacist for relabeling or disposal.

(ii) Medication in containers having no labels shall be destroyed.

(h) Any medication having an expiration date shall be removed from usage and destroyed immediately after the expiration date.

(i) All of an individual patient's medications left in the facility following discharge, transfer, or departure, except those released to the patient upon discharge and Schedule II controlled substances, shall be destroyed by authorized staff after departure of the patient or returned to a pharmacist for appropriate disposition.

(i) Medications or medicines shall be destroyed in the presence of a witness or by a pharmacist in such a manner that the medications cannot be retrieved, salvaged,

or used; medications shall not be discarded with garbage or refuse.

(ii) For any medication destroyed, staff shall make an entry in the individual patient treatment record to include:

- (A) Date;
- (B) Name of medication;
- (C) Strength of medication;
- (D) Quantity of medication;
- (E) Signature of staff who destroyed the medication; and
- (F) Signature of staff who witnessed destruction.

(j) When staff who are legally authorized to administer medications are employed or available in an alcoholism treatment facility, a physician or legally authorized prescribing practitioner may provide an emergency drug or medication supply within a facility: PROVIDED, That the following requirements are met:

(i) The emergency drug or medication supply shall be considered an extension of the physician's or prescribing practitioner's own drug or medication supply and remain his or her responsibility.

(ii) All drugs or medications for an emergency supply shall be kept in a separate, secure, locked, emergency drug drawer or cabinet or equivalent.

(iii) The emergency drug or medication supply shall be limited to medications needed for genuine medical emergencies, including the need for the medical management of an intoxicated person.

(iv) The quantity of any medication in a particular dosage strength shall be limited to a seventy-two hour supply determined by calculating the number of patients and the potential need for emergency medication.

(v) A list of drugs or medications to be kept in the emergency medication supply shall be available with the emergency medication supply.

(A) This list shall include the names and dosage strength of each medication, and be dated and signed by the physician or legally authorized prescribing practitioner.

(B) The emergency medication supply shall contain only those medications on this list.

(vi) There shall be a record of each medication removed or added to the emergency medication supply. This record shall include:

(A) Name and amount of medication removed or added;

(B) Date of removal or addition;

(C) Identification of the patient receiving a medication removed;

(D) Signature of staff removing or adding to the emergency medication supply.

(k) Medications listed as controlled substances in Washington shall be prohibited. This does not preclude individual patient prescriptions or medications kept in an emergency medication supply pursuant to WAC 248-26-060(2)(j).

(l) The alcoholism treatment facility maintaining nonprescription medications in a first-aid supply shall establish policies and procedures for use of the first-aid supply, approved by signature of a legally authorized prescribing practitioner.

(3) Administration of medications and medical treatments. Policies and procedures shall be established for administration of medications, including self-administration, within each alcoholism treatment facility.

(a) There shall be an organized system designed to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications and treatments.

(i) Orders for medications and treatments, including standing orders, used in the care of a patient shall be entered in the patient's treatment record and shall be signed by a physician or other legally authorized practitioner.

(ii) Orders for drugs and medical treatments shall include:

(A) Date ordered;

(B) Name of the medication or description of the treatment including the name of medication, solution, or other agent to be used in the treatment;

(C) Dosage, concentration, or intensity of a medication, solution, or other agent used;

(D) Route or method of administration;

(E) Frequency, time interval between doses, or duration of administration;

(F) Maximum number of doses or treatments to be administered;

(G) Circumstances for which the medication or treatment is to be administered; and

(H) Signature of the legally authorized prescribing practitioner.

(iii) A verbal or telephone order for the administration of medication or medications or medical treatment or treatments shall be received by a licensed nurse from the physician or other practitioner legally authorized to prescribe. Upon receipt of such an order, the following shall be entered immediately into the patient's treatment record.

(A) Data required under WAC 248-26-060(3)(a)(ii);

(B) Name of the physician or legally authorized practitioner issuing the order;

(C) Signature of the licensed nurse receiving the order;

(D) Physician's or legally authorized practitioner's signature for such an order shall be obtained as soon as possible and not later than five days after receipt of the verbal or telephone order.

(iv) Persons administering medications and medical treatments to patients shall be qualified by training and legally permitted to assume this responsibility.

(v) Any medication administered to a patient shall be prepared, administered, and recorded in the patient's treatment record by the same person. This shall not be interpreted to preclude a physician's administration of a medication having been prepared for administration by a person assisting the physician in the performance of a diagnostic or treatment procedure or the administration of a single, properly labeled medication having been dispensed or issued from a pharmacy so the medication is ready to administer.

(b) Medications shall be administered or self-administered only as legally authorized through written order, approval, or prescription signed by a physician or other

legally authorized practitioner or self-administered from a container in accordance with an appropriately affixed pharmacist-prepared label.

(c) Medications shall be administered by appropriately licensed personnel when they are not self-administered.

(d) Self-administration of drugs by a patient shall be in accordance with the following:

(i) The patient shall be physically and mentally capable of administering his or her own medication properly.

(ii) Any medication a patient has for self-administration in the facility shall have been ordered, approved, or prescribed by a legally authorized practitioner.

(iii) Prescription medications, over-the-counter medications purchased independently by the patient, and other medicinal materials used by a patient shall be kept in individual storage units within locked drawers, medicine cabinets, compartments, or equivalent. Access to all medications shall be controlled by authorized staff. Use of such medications and materials in each individual storage unit shall be restricted to the particular patient for self-administration.

(iv) Staff shall observe use of medications by each patient and record the observation in the patient's individual treatment record.

(e) Any medications used in the subacute detoxification service shall be self-administered only with observation of use of medication recorded in the individual treatment record by the staff of the alcoholism treatment facility.

NEW SECTION

WAC 248-26-070 MAINTENANCE AND HOUSEKEEPING—LAUNDRY. (1) The alcoholism treatment facility structure, its component parts, facilities, and equipment shall be kept clean and in good repair and maintained in the interest of patients' safety and well-being.

(2) The storage and disposal of garbage and refuse shall be by methods preventing conditions conducive to the transmission of disease or creation of a nuisance, breeding place for flies, or a feeding place for rodents.

(a) A separate, well-ventilated room or suitable outside area shall be provided for storage of garbage and refuse.

(b) Garbage and refuse storage containers shall be of leakproof, nonabsorbent construction with close fitting covers.

(c) Adequate cleaning facilities shall be provided.

(3) The alcoholism treatment facility shall be kept free from insects and rodents.

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

(5) Laundry.

(a) The alcoholism treatment facility shall make provision and be responsible for the proper handling, cleaning, and storage of linen and other washable goods.

(b) Unless all laundry is sent out, every alcoholism treatment facility shall be provided with a laundry room equipped with laundry facilities.

(i) Laundry equipment shall be located in a separate room used for laundry, housekeeping, or storage of cleaning supplies and equipment.

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

(iii) The soiled linen storage and sorting area shall be in a well-ventilated area separate from clean linen handling and storage area.

NEW SECTION

WAC 248-26-080 SITE AND GROUNDS. The alcoholism treatment facility shall be located in an area properly drained and served by at least one street that is usable under all weather conditions.

NEW SECTION

WAC 248-26-090 PHYSICAL PLANT AND EQUIPMENT. (1) Patients' Sleeping Rooms.

(a) There shall be at least eighty square feet of usable floor space in single-bed sleeping rooms and seventy square feet of usable floor space per bed in multiple bed sleeping rooms.

(i) No portion of a sleeping room having less than seven foot six inch ceiling height may be counted as part of the required area.

(ii) The maximum capacity of any patient sleeping room shall not exceed twelve beds.

(b) Each sleeping room shall be located to prevent through traffic and minimize the entrance of excessive noise, odors, and other nuisances.

(c) Only rooms having unrestricted direct access to a hallway, living room, outside, or other common-use area shall be used as sleeping rooms.

(d) Sleeping rooms shall be outside rooms with a clear glass window area in a vertical wall not less than one-tenth of the required floor area.

(i) Rooms shall not be considered to be outside rooms if such required window area is within ten feet of another building or other obstruction to view or opens into a window well, enclosed porch, light shaft, ventilation shaft, or other enclosure of similar confining nature.

(ii) Windows designed to open shall operate freely.

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

(e) A basement room may be used as a sleeping room provided the floor of the room is no more than three feet eight inches below the base of the window or windows, and there is adequate natural light. The grade shall extend ten feet out horizontally from the base of the window or windows.

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

(g) Sleeping rooms, furniture, and furnishings.

(i) Each patient shall be provided a comfortable bed not less than thirty-six inches wide, with a mattress in good condition.

(ii) To be acceptable, a patient's bed shall be a sturdy, nonfolding type, at least thirty-six inches wide and length appropriate to the height of the patient.

(iii) Room design and size shall be adequate to accommodate patient beds spaced three feet apart.

(iv) Sleeping rooms shall be provided with adequate furnishings including one chair per bed available in the facility.

(2) Toilet and Bathing Facilities.

(a) On each level there shall be one toilet and one lavatory for each eight persons or fraction thereof.

(b) There shall be one bathing facility for each twelve persons or fraction thereof residing in the facility.

(c) The word "persons" used in subsection (2)(a) and (b) of this section includes all patients and staff members not having private toilet and bathing facilities for their exclusive use.

(d) There shall be a lavatory in each toilet room unless the toilet room adjoins a single patient room containing a lavatory.

(e) Each toilet and each bathing facility shall be enclosed in a separate room or stall, with a door or curtain for privacy. One toilet may be permitted in a room containing a single bathing facility. When a room contains more than one toilet or one bathing facility, it shall be used by one sex only.

(f) Grab bars shall be securely mounted at toilets and bathing facilities in such numbers and in such locations that accidental falls will be minimized minimally to include:

(i) One grab bar at each bathing facility.

(ii) One grab bar appropriately mounted at each toilet.

(3) Patient Dining, Living, and Therapy Rooms.

(a) The alcoholism treatment facility shall have two or more rooms suitably furnished to accommodate patients' dining, social, educational and recreational activities, group therapy, and staff meetings. At least one of these rooms shall be an outside room with a window or windows.

(i) An adequate dining area shall be provided with capacity to seat at least fifty percent of the patients at each meal setting.

(ii) If a multipurpose room is used for dining and social and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without their interference with one another.

(iii) At least twenty-five square feet of floor space per bed shall be provided for dining, social, educational, recreational activities, and group therapy.

(b) There shall be at least one room providing privacy for interviewing and counseling of patients on an individual basis. Additional rooms shall be provided in a ratio of 1:12 patient beds or major fraction thereof.

(4) Medical Examination Room. If there is regular provision for a medical practitioner to perform physical examinations of patients within the facility, there shall be an examination room in the facility. This examination

room shall be equipped with an examination table, examination light, and storage units for medical supplies and equipment. There shall be a handwashing facility readily accessible to the examination room.

(5) Utility and Storage for Medical and Nursing Supplies and Equipment. If the services provided by the alcoholism treatment facility involve the use of medical supplies and equipment, there shall be facilities designed and equipped for washing, disinfection or sterilization, storage, and other handling of supplies and equipment in a manner ensuring segregation of clean and sterile supplies and equipment from those that are contaminated, soiled, or used.

(6) Storage facilities. There shall be sufficient, suitable storage facilities to provide for storage of clean linen and other supplies and equipment under sanitary conditions.

(7) Handrails on stairways and ramps.

(a) All stairways and ramps shall be provided with handrails on both sides.

(b) Adequate guardrails and other safety devices shall be provided on all open stairways and ramps.

(8) Surfaces (floors, walls, ceilings).

(a) The surfaces in each room and area of the alcoholism treatment facility shall be easily cleanable and suited to the functions of the room or area.

(b) Toilet rooms, bathrooms, kitchens, and other rooms subject to excessive soiling or moisture shall have washable, impervious floors.

(c) Ramp surfaces and stairway treads shall be of nonslip materials.

(9) Communications. There shall be at least one telephone and such additional telephones as may be needed to operate the alcoholism treatment facility and to provide for a telephone to be readily accessible in the event of fire or other emergency.

(10) Lighting.

(a) Lighting in all areas of the facility shall provide adequate illumination.

(b) An adequate number of electrical outlets shall be provided.

(c) General lighting shall be provided for sleeping rooms.

(d) Emergency lighting equipment, such as flashlights or battery-operated lamps, shall be available and maintained in operating condition.

(11) Heating—Temperature.

(a) The alcoholism treatment facility shall be equipped with an approved heating system capable of maintaining a healthful temperature. Use of portable space heaters is prohibited unless approved in writing by the Washington state fire marshal.

(b) Temperature shall be maintained at a healthful level and not less than sixty-five degrees Fahrenheit.

(12) Ventilation.

(a) Ventilation of all rooms used by patients or personnel shall be sufficient to remove all objectionable odors, excessive heat, or condensation.

(b) All inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors, or contaminants originate, shall be provided with mechanical exhaust ventilation.

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

(a) Water used for domestic purposes shall meet the standards of the department as described in chapter 248-54 WAC.

(b) Cross connections of any kind are prohibited.

(c) In the event an unsafe or nonpotable water supply is used for irrigation, fire protection, or other purposes, the system shall be adequately color-coded or labeled to lessen any chance of water use for domestic purposes.

(d) Hot water at lavatories, bathtubs, and showers used by patients shall not exceed one hundred twenty degrees Fahrenheit.

(14) Sewage disposal system. All sewage shall be discharged into a public sewage system where such system is available and is acceptable to the department. Otherwise, sewage shall be collected, treated, and disposed of in an independent sewage disposal system approved by the appropriate local health department.

NEW SECTION

WAC 248-26-100 SPECIAL ADDITIONAL REQUIREMENTS FOR FACILITIES PROVIDING ALCOHOLISM DETOXIFICATION SERVICE. (1) When an alcoholism detoxification service is located in an alcoholism treatment facility, it shall be designated as either an acute detoxification service or a subacute detoxification service.

(2) Acute detoxification services shall provide:

(a) Initial medical screening and ongoing nursing assessments of each patient with transfer to an appropriate hospital when signs and symptoms of a serious illness or severe trauma exist.

(b) Nursing services as described in WAC 248-26-050(4) with the following additional requirements:

(i) When there is not a need for full-time services of a registered nurse, part-time registered nurse supervision is acceptable, provided such a supervisor is on duty within the facility at least four hours each week.

(ii) At least one staff member, qualified to provide nursing observation and care needed by patients during detoxification, shall be on duty in the facility at all times.

(A) "Qualified" shall include training and approval by the responsible registered nurse supervisor to provide physiological and psychological observation and care as required.

(B) When a licensed nurse is not on duty, a registered nurse shall be on call who shall come to the alcoholism treatment facility when indicated.

(iii) Continuing observation of each patient's condition shall be by persons competent to recognize and evaluate significant signs and symptoms and to take appropriate action.

(A) Frequency of observation shall correspond with degrees of acuity, severity, and instability of patient's condition with at least one written note on patient condition every eight hours in each individual patient treatment record.

(B) Observation of significant signs and symptoms indicative of abnormality, adverse change, or favorable

progress including vital signs, motor and sensory abilities, behavior, and discomfort.

(C) Observations shall be recorded and signed by the person making the observation.

(D) Significant adverse signs and symptoms shall be appropriately reported to a physician with nature of the report and time noted in the patient's treatment record.

(3) Subacute detoxification services shall provide:

(a) Screening of patients by a person knowledgeable about alcoholism and trained and skilled in recognition of significant signs and symptoms of illness or trauma.

(b) Continuing observation of each patient's condition by persons competent to recognize and evaluate significant signs and symptoms and to take appropriate action.

(i) Frequency of observation shall correspond to degree of acuity, severity, and instability of patient's condition with appropriate documentation in the individual treatment record;

(ii) Observation of significant signs and symptoms indicative of abnormality, adverse change, or favorable progress including vital signs, motor and sensory abilities, behavior, and discomfort.

(iii) Observations shall be recorded and signed by the person making the observation.

(c) Personnel on duty having valid, current first-aid and cardiopulmonary resuscitation certificates.

(d) Medication shall not be provided or administered by personnel in the distinct part of the alcoholism treatment facility where subacute detoxification service is located.

(e) A written plan or policies and procedures for management of patient-owned medications to include:

(i) Method of verification of need for patient to continue a medication while in subacute detoxification;

(ii) Method of verification that medication is correct (as labeled);

(iii) Security of patient-owned medication while in the facility;

(iv) Disposition of patient-owned medications when patient leaves; and

(v) Observation and documentation of patient use of any medication in the individual treatment record.

WSR 84-17-011

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 2131—Filed August 3, 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 schedule of charges, amending WAC 275-16-030.

This action is taken pursuant to Notice No. WSR 84-13-067 filed with the code reviser on June 20, 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 71.02.412 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 71.02.410.

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

APPROVED AND ADOPTED August 1, 1984.

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

AMENDATORY SECTION (Amending Order 2019, filed 8/31/83)

WAC 275-16-030 SCHEDULE OF CHARGES. Hospitalization charges shall be due and payable on or before the tenth day of each calendar month for services rendered during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
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(a) INPATIENT SERVICES - Per diem

Hospital Costs	(\$107.61)	\$156.90	\$127.15)
	\$112.99	\$166.68	\$131.81
Physician Costs	((4.09))	9.46	6.36)
	4.42	8.51	5.98
Total	((117.70))	166.36	133.51)
	117.41	175.19	137.79

(b) OUTPATIENT SERVICES - Per diem

Outpatient Day Care	—	—	—
	—	((41.59))	—
		43.80	

(c) ANCILLARY SERVICES - Per Relative Value Unit /¹

Radiology	((6.92))	6.92	7.89)
	7.47	7.47	6.33
Pathology	((.51))	.51	.49)
	.55	.55	.46
Medical Clinics	((1.85))	1.85	1.00)
	1.94	1.94	1.00
Electroencephalogram	((2.22))	2.22	7.40)
	—	—	1.00
Electrocardiogram	—	—	((.42))
			.38
Inhalation Therapy	—	—	((7.37))
			—
Physical Therapy	((1.94))	1.94	1.03)
	2.02	2.02	1.70
Occupational Therapy	—	—	((22.87))
			8.86
Speech Therapy	—	—	((10.91))
			9.25
Dental	—	—	((44.56))
			51.44
Podiatry	((1.09))	1.09	1.38)
	1.18	1.18	1.00
Optometry	—	—	1.00

(2) Services required by the patient that cannot be provided by hospital staff are purchased from private sources and charged at actual cost.

¹/California Medical Association. "Relative Value Studies." Fifth Edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

WSR 84-17-012
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2132—Filed August 3, 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:

- Amd WAC 388-92-025 Computation of available income and resources.
- Amd WAC 388-95-340 Computation of available income and resources.

This action is taken pursuant to Notice No. WSR 84-13-068 filed with the code reviser on June 20, 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 Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED August 1, 1984.

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

AMENDATORY SECTION (Amending Order 2064, filed 1/4/84)

WAC 388-92-025 COMPUTATION OF AVAILABLE INCOME AND RESOURCES. (1) Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.

(2) Financial responsibility of spouses and parents.

(a) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s).

(b) If both spouses apply or are eligible as aged, blind, or disabled and cease to live together their income and resources are considered available to each other for the time periods specified below. After the appropriate time period only the income and resources that are actually contributed by one spouse to the other are considered available.

(i) If spouses cease to live together because of the institutionalization of one spouse—

(A) Consider their income as available to each other through the month in which they cease to live together. Mutual consideration of income ceases with the month after the month in which separation occurs.

(B) Consider their resources as available to each other for the month during which they cease to live together and the six months following that month.

(ii) If spouses cease to live together for any reason other than institutionalization consider their income and resources as available to each other for the month during which they cease to live together and the six months following that month. If the mutual consideration of income and resources causes the individuals to lose eligibility as a couple, the agency will determine if an individual is eligible in accordance with subsection (c) of this section.

(c) If only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple, and they cease to live together consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse beginning with the month after the month in which they cease to live together.

(d) When both spouses are eligible and institutionalized:

(i) Income and resources are considered jointly if they share the same room.

(ii) Income and resources are considered separately if they don't share the same room.

(e) When only one spouse is eligible and both are institutionalized consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse, even if they share the same room.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(5) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(6) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (7) and (9) of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(7) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living

in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (7)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973;

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) Veteran's ~~((aid and attendance allowance is to be excluded in determining financial eligibility))~~ benefits, only the portion of the payment which is attributable to the veteran is counted as income in determining eligibility for medicaid.

(i) ~~((If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.~~

(ii)) The veteran's aid and attendance/housebound allowance is to meet the cost of unusual medical care and is excluded in determining eligibility for medicaid.

For institutionalized ~~((applicants))~~ individuals, the amount subsequently is considered in the cost of institutional care.

(ii) The portion attributable to the dependent is counted as income to the dependent.

(m) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost of living benefit increases shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost of living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

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

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

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

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

(n) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(o) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(8) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(9) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (7) of this section, plus one-half of the remainder.

(10) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to AFDC grant regulations.

AMENDATORY SECTION (Amending Order 2064, filed 1/4/84)

WAC 388-95-340 COMPUTATION OF AVAILABLE INCOME AND RESOURCES. (1) Total income of a beneficiary of supplemental security income is not considered available in determining eligibility.

(2) Financial responsibility of spouses and parents.

(a) Income and resources are considered jointly for spouses who live together in a common household and blind or disabled children who live with their parent(s).

(b) If both spouses apply or are eligible as aged, blind, or disabled and cease to live together their income and resources are considered available to each other for the time periods specified below. After the appropriate time period only the income and resources that are actually contributed by one spouse to the other are considered available.

(i) If spouses cease to live together because of the institutionalization of one spouse—

(A) Consider their income as available to each other through the month in which they cease to live together. Mutual consideration of income ceases with the month after the month in which separation occurs.

(B) Consider their resources as available to each other for the month during which they cease to live together and the six months following that month.

(ii) If spouses cease to live together for any reason other than institutionalization consider their income and resources as available to each other for the month during which they cease to live together and the six months following that month. If the mutual consideration of income and resources causes the individuals to lose eligibility as a couple, the agency will determine if an individual is eligible in accordance with subsection (c) of this section.

(c) If only one spouse in a couple applies or is eligible, or both spouses apply and are not eligible as a couple, and they cease to live together consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse beginning with the month after the month in which they cease to live together.

(d) When both spouses are eligible and institutionalized:

(i) Income and resources are considered jointly if they share the same room.

(ii) Income and resources are considered separately if they don't share the same room.

(e) When only one spouse is eligible and both are institutionalized consider only the income and resources of the ineligible spouse that are actually contributed to the eligible spouse, even if they share the same room.

(3) When computing available income for a family of three or more the relative responsibility requirement of the appropriate cash assistance program shall be applied, except that relative responsibility shall be limited to spouse for spouse and parent for child.

(4) For SSI related individuals, age eighteen to twenty-one, parents' income is not deemed available.

(5) For SSI related individuals under age eighteen, parents' income is deemed available when living in the same household.

(6) When the spouse of an SSI related applicant is ineligible or does not apply, the exclusions in subsections (7) and (9) of this section, shall be applied to his/her income in determining the amount to be deemed to the applicant. If the remaining income of the ineligible spouse exceeds the monthly state supplement benefit standard all the remaining income shall be deemed to the applicant.

(7) Exclusions from income. The following shall be excluded sequentially from income:

(a) Any amount received from any public agency as a return or refund of taxes paid on real property or on food purchased by such individual or spouse;

(b) State public assistance based on financial need;

(c) Any portion of any grant, scholarship, or fellowship received for use in paying the cost of tuition and fees at any educational institution;

(d) Income that is not reasonably anticipated, or received infrequently or irregularly, if such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amounts received for the foster care of a child, who is not an eligible individual, but who is living in the same house as such individual and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support received from an absent parent will be excluded;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (7)(a) through (f) of this section, for a person at home. The exclusion is considered only once for a husband and wife. There is no exclusion on income which is paid on the basis of need of the eligible individual, such as VA pension and cash from private charitable organizations;

(h) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments excluded by other statutes. When necessary these exclusions will be publicized by numbered memoranda from the state office;

(j) Compensation provided to volunteers in ACTION programs established by Public Law 93-113, the Domestic Volunteer Service Act of 1973;

(k) When an ineligible minor is in the household of an SSI applicant, an amount will be excluded for such child's needs. The exclusions will be the difference between the SSI couple cash benefit and the SSI individual cash benefit;

(l) Veteran's ((aid and attendance allowance is to be excluded in determining financial eligibility)) benefits, only the portion of the payment which is attributable to the veteran is counted as income in determining eligibility for medicaid.

(i) ((If the sum is paid to a spouse, it is considered that individual's earned income and may be deemed to the applicant.

((ii)) The veteran's aid and attendance/house bound allowance is to meet the cost of unusual medical care and is excluded in determining eligibility for medicaid.

For institutionalized ((applicants)) individuals, the amount subsequently is considered in the cost of institutional care.

(ii) The portion attributable to the dependent is counted as income to the dependent.

(m) Current recipients who become ineligible for SSI benefits and/or state supplementary payments after April 1, 1977, solely because of OASDI cost of living benefit increases shall remain categorically eligible for medical assistance (MA). Any subsequent OASDI cost of living benefit increase shall be disregarded for eligibility. For institutionalized recipients, the amount subsequently is considered in the cost of institutional care. This disregard does not apply to:

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

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

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

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

(n) A fee charged by a guardian to reimburse himself or herself for services provided is not considered available to the individual and is not treated as income.

(o) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible recipient (e.g. chore services).

(8) An ineligible or nonapplying individual under the age of twenty-one who is a student regularly attending a school, college or university or pursuing a course of vocational or technical training designed to prepare him for gainful employment will have all earned income excluded unless that income is actually contributed to the applicant.

(9) Earned income exclusions for SSI related individuals shall be the first sixty-five dollars per month of earned income not excluded according to subsection (7) of this section, plus one-half of the remainder.

(10) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to AFDC grant regulations.

(11) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration (for the recovery of SSI overpayments) is considered as available income for the institutionalized individual's contribution toward the cost of care.

WSR 84-17-013
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2133—Filed August 3, 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 Eligibility determination—Medically needy in own home, amending WAC 388-99-020.

This action is taken pursuant to Notice No. WSR 84-13-047 filed with the code reviser on June 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 under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED August 1, 1984.

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

AMENDATORY SECTION (Amending Order 2075, filed 2/17/84)

WAC 388-99-020 ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME. (1) The medically needy income level (MNIL) shall be:

(a) One person	\$	353	
(b) Two persons	\$	509	
(c) Three persons	\$	((527))	535
(d) Four persons	\$	((544))	561
(e) Five persons	\$	((627))	646
(f) Six persons	\$	((710))	731
(g) Seven persons	\$	((822))	847
(h) Eight persons	\$	((909))	936
(i) Nine persons	\$	((998))	1,028
(j) Ten persons	\$	((1,084))	1,117
and above			

please add

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(2) For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.

(3) For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.

(4) If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.

(5) If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.

(6) Financial responsibility of relatives.

(a) For families and children,

(i) Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.

(ii) Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.

(b) For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.

(7) In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.

WSR 84-17-014
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2134—Filed August 3, 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 minimum licensing requirements for alcoholism treatment facilities, repealing WAC 248-22-500 through 248-22-590.

This action is taken pursuant to Notice No. WSR 84-12-003 filed with the code reviser on May 24, 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 71.12 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 1, 1984.

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 248-22-500 PURPOSE.
- (2) WAC 248-22-501 DEFINITIONS.
- (3) WAC 248-22-510 LICENSURE.
- (4) WAC 248-22-520 ADMINISTRATIVE MANAGEMENT.
- (5) WAC 248-22-530 CLIENT CARE AND SERVICES, GENERAL.
- (6) WAC 248-22-540 MAINTENANCE AND HOUSEKEEPING.
- (7) WAC 248-22-550 SPECIAL ADDITIONAL REQUIREMENTS FOR AN ALCOHOLISM TREATMENT FACILITY WHICH PROVIDES ALCOHOLISM DETOXIFICATION SERVICE.
- (8) WAC 248-22-560 SPECIAL ADDITIONAL REQUIREMENTS FOR AN ALCOHOLISM TREATMENT FACILITY, OR DISTINCT PART THEREOF, WHICH PROVIDES ALCOHOLISM INTENSIVE INPATIENT TREATMENT OR SERVICES OR ALCOHOLISM RECOVERY HOUSE SERVICES.
- (9) WAC 248-22-570 SPECIAL ADDITIONAL REQUIREMENTS FOR AN ALCOHOLISM TREATMENT FACILITY, OR DISTINCT PART THEREOF, WHICH PROVIDES ALCOHOLISM LONG-TERM TREATMENT SERVICE.
- (10) WAC 248-22-580 SITE AND GROUNDS.
- (11) WAC 248-22-590 PHYSICAL PLANT AND EQUIPMENT.

WSR 84-17-015
NOTICE OF PUBLIC MEETINGS
HIGHLINE COMMUNITY COLLEGE
 [Memorandum—July 30, 1984]

The following are the dates for the regular monthly meetings during the 1984-85 academic year of the board of trustees of Highline Community College:

- September 13, 1984
- October 11, 1984
- November 8, 1984
- December 13, 1984
- January 10, 1985
- February 14, 1985
- March 14, 1985
- April 11, 1985
- May 9, 1985
- June 13, 1985

WSR 84-17-016
PROPOSED RULES
COMMISSION ON EQUIPMENT
 [Filed August 3, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Commission on

Equipment intends to adopt, amend, or repeal rules concerning reflectorized warning devices, chapter 204-94 WAC;

that the agency will at 10:00 a.m. - 12:00, Wednesday, October 17, 1984, in the Small Conference Room, General Administration Building, 1st Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 46.37.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 3, 1984.

Dated: August 1, 1984

By: Colleen M. McIntyre
Secretary

STATEMENT OF PURPOSE

Title: Reflective warning device is designed to ensure the safety and protection of the motoring public by providing additional reflection to warn the approaching motorist of the disabled abandoned vehicle.

Authority: RCW 46.37.450, display of warning devices amended by chapter 119, Laws of 1984, is intended to implement a reflectorized warning device and its placement.

Summary: Law enforcement personnel are required to place a reflectorized warning device on or near any motor vehicle (trucks, buses, and trailers excluded) which has become disabled along the highway or shoulder of the road outside any municipality at a time when lights are required on the vehicle. State and local governments and their employees are relieved from civil liability in the implementation of this section.

Agency: Commission on Equipment, Washington State Patrol, Sergeant Colleen M. McIntyre, General Administration Building, AX-12, Olympia, Washington 98504, (206) 753-6569.

Comments: A disabled abandoned vehicle on or near the roadway poses a serious threat to the traveling public, as it is not easily identifiable at night and has been a source of serious and fatal automobile accidents. A law enforcement officer placing a reflectorized warning device on a disabled vehicle shall help provide an additional margin of safety to the approaching motorists by warning them of the disabled vehicle.

Government: Senate Bill 4527, chapter 119, Laws of 1984, enacted by the legislature of the state of Washington.

WAC 204-94

Emergency Regulations for Reflectorized Warning Devices

NEW SECTION

WAC 204-94-010 AUTHORITY. By authority of chapter 119, Washington Session Laws of 1984, and RCW 46.37.005, the State Commission on Equipment hereby adopts the following regulations relating to reflectorized warning devices and their placement.

NEW SECTION

WAC 204-94-020 PURPOSE. To ensure the safety and protection of the motoring public by providing additional reflectorized warning devices on vehicles which are disabled upon the travelled portion of any highway or shoulder thereof outside any municipality at any time when lights are required on vehicles.

NEW SECTION

WAC 204-94-030 DEFINITION. "Reflectorized Warning Device" means any device defined in RCW 46.37.450 or any device composed of a reflective sheeting material which consists of spherical lens elements embedded with a transparent plastic having a smooth, flat outer surface.

NEW SECTION

WAC 204-94-040 STANDARDS FOR REFLECTORIZED WARNING DEVICES. Reflectorized warning devices used by law enforcement shall conform to those devices described in RCW 46.37.450 and WAC 204-94-030.

Reflective sheeting material shall have an average brightness value that ranges from 7 to 70 candlepower per foot-candle per square foot of material. Reflective sheeting material shall be weather resistant and have a protected pre-coated pressure sensitive adhesive. The reflective sheeting material should be easily removable.

NEW SECTION

WAC 204-94-050 PLACEMENT OF REFLECTORIZED WARNING DEVICES. Whenever any vehicle is disabled upon the travelled portion of any highway or shoulder thereof outside any municipality, at any time when lights are required by RCW 46.04.200, upon discovery of such disabled vehicle by law enforcement, a reflectorized device such as those defined in RCW 46.37.450 or WAC 204-94-030 shall be placed on or near the vehicle.

WSR 84-17-017

ADOPTED RULES LOTTERY COMMISSION

[Order 60—Filed August 3, 1984]

Be it resolved by the State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

- | | | |
|-----|----------------|--|
| New | WAC 315-11-130 | Definitions for Instant Game Number 11. |
| New | WAC 315-11-131 | Criteria for Instant Game Number 11. |
| New | WAC 315-11-132 | Ticket validation requirements for Instant Game Number 11. |

This action is taken pursuant to Notice No. WSR 84-12-056 filed with the code reviser on June 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 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 July 13, 1984.

By Lawrence G. Waldt
Chairman

NEW SECTION

WAC 315-11-130 DEFINITIONS FOR INSTANT GAME NUMBER 11. (1) Play numbers for Instant Game Number 11. The following are the "play numbers": "1", "2", "3", "4", "5", "6", "8", and "9". Each play number is printed in gray-black ink in the Archer font in positive and one of these play numbers appears under each of the three rub-off play spots on the front center of the ticket.

(2) Prize box numbers for Instant Game Number 11. The following are the "prize box numbers": "TICKET", "\$2.00", "\$7.00", "\$25.00", "\$1,100", and "21,000". Each prize box number is printed in gray-black ink in the Archer font in positive and one of these prize box numbers appears under each of the three rub-off prize spots on the front right of the ticket.

(3) Validation number for Instant Game Number 11. The nine-digit number on the front bottom right of the ticket.

(4) Pack-ticket number for Instant Game Number 11. The ten-digit number of the form 2000001-000 printed on the back of the ticket in .11" high type in red. The first seven digits of the pack-ticket number for Instant Game Number 11 constitute the "pack number" which starts at 2000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Play number caption for Instant Game Number 11. The small printed material appearing below each play number which verifies and corresponds with that play number. The caption is a spelling out of the play number. One and only one of these captions appears under each play number and is printed in gray-black ink in positive in the Mead 5 x 9 font. For Instant Game Number 11, the play number caption which corresponds with and verifies each play number is as follows:

<u>PLAY NUMBER</u>	<u>CAPTION</u>
1	ONE
2	TWO
3	THREE
4	FOUR
5	FIVE
6	SIX
8	EIGHT
9	NINE

(6) Prize box caption for Instant Game Number 11. The small printed material appearing below each prize box number which verifies and corresponds with that prize box number. The caption is a spelling out, in full or abbreviated form, of the prize box number. One and only one of these captions appears under each prize box number and is printed in gray-black ink in positive in the Mead 5 x 9 font. For Instant Game Number 11, the prize box number caption which corresponds with and verifies each prize box number is as follows:

<u>PRIZE BOX NUMBER</u>	<u>CAPTION</u>
TICKET	TICKET
\$2.00	TWO
\$7.00	SEVEN

\$25.00	TWTY FIV
\$1,100	ELEVEN HUND
21,000	21 THOU

(7) Agent validation codes for Instant Game Number 11. Agent validation codes are codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify and validate instant winners below \$25. For Instant Game Number 11, the agent validation code is a three-letter code, with each letter appearing in a varying three of nine locations beneath the removable covering and among the play numbers on the ticket. The agent validation code used by the sales agent to verify Free Ticket, \$2, and \$7 winners are as follows:

TIC	=	Free Ticket
TWO	=	\$2
SEV	=	\$7

(8) Pack for Instant Game Number 11. A pack of 400 fanfolded instant game tickets separated from each other by perforations, and packaged in a plastic bag or plastic shrinkwrapping. The licensed agent separates the tickets at the perforations at the time of retail sales.

NEW SECTION

WAC 315-11-131 CRITERIA FOR INSTANT GAME NUMBER 11. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of instant prize winning tickets. An instant prize winner is determined in the following manner:

(a) An instant prize winning ticket shall have an occurrence of 3 play numbers which total 7, 11, or 21; if the sum of the three play numbers on the ticket is 7, 11, or 21 the player wins the prize specified by the prize box number shown under the prize spot immediately to the right of the preprinted number which corresponds to the player's winning total of 7, 11, or 21.

(b) In any event, only the highest instant prize amount will be paid on a given ticket.

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

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery, to the particular ticket validation requirements for Instant Game Number 11, and to the requirements set out on the back of each ticket.

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

(6) Grand prize drawing for Instant Game Number 11. The grand prize drawing process shall be conducted as follows:

(a) Participants in the grand prize drawing process shall be those ticket bearers with an instant cash winning ticket of \$25, which ticket is a valid winner of \$25, and which is properly redeemed within fourteen days after the announced end of Instant Game Number 11 in the manner prescribed on the back of the instant ticket. The lottery is not responsible for any entry until it is properly and timely redeemed.

(b) Each of the \$25 winning tickets must be a valid Instant Game Number 11 "7-11-21" ticket.

(c) The legible name of an eligible player must be present on the back of each eligible ticket.

(d) There will be one grand prize drawing for Instant Game Number 11. The preliminary grand prize drawing process and the grand prize drawing will be conducted at times and places and pursuant to methods to be announced by the director. The prizes involved in the grand prize drawing will be: First prize, \$1,000 a week for life, with the prize payment starting at age eighteen or older, with a minimum prize payment of \$1,000,000 being guaranteed; second prize, \$100,000; third prize, \$75,000; fourth prize, \$50,000; fifth prize, \$25,000; sixth prize, \$15,000; and seventh prize, \$10,000. In the event that an entry is not included in the preliminary grand prize drawing process and the director determines that the entry was entitled to participation in the process, the director reserves the right to place that entry into a subsequent preliminary grand prize drawing process.

(7) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 11; and/or

(b) Vary the number of tickets offered in Instant Game Number 11 and the number of grand prize drawing winners in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-132 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 11. (1) In addition to meeting all of the other requirements in these rules and regulations, the following validation requirements will apply with regard to instant game tickets in Instant Game Number 11. To be a valid instant game ticket, all of the following requirements must be met:

(a) Exactly one prize box number must appear under each of the three rub-off prize spots on the ticket; exactly one play number must appear under each of the three rub-off play spots on the ticket.

(b) Each of the three prize box numbers and each of the three play numbers must have a caption underneath, and each must agree with their caption.

(c) Each of the three prize box numbers and each of the three play numbers must be present in their entirety and be fully legible.

(d) Each of the three prize box captions and each of the three play number captions must be present in their entirety and be fully legible.

(e) Each of the three prize box numbers and each of the three play numbers and their captions must be printed in gray-black ink.

(f) The pack-ticket number, validation number, and agent validation code must be present in their entirety and be fully legible. The validation number shall correspond, using the lottery's codes, to the prize box numbers and play numbers on the ticket.

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

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

(i) The validation number and agent validation code shall be printed in gray-black ink, and the pack-ticket number shall be printed in red ink.

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

(k) The ticket must not be stolen nor appear on any list of omitted tickets on file at the lottery.

(l) The prize box numbers and the play numbers and their captions, the validation number, agent validation code, and the pack-ticket number must be right-side-up and not reversed in any manner.

(m) The ticket must be complete, and not miscut, and have exactly one number and exactly one caption under each of the six rub-off spots on the ticket, exactly one pack-ticket number, exactly one agent validation code, and exactly one validation number.

(n) The validation number of an apparent winning ticket shall appear on the lottery's official list of validation numbers of winning tickets; and a ticket with that validation number shall not have been previously paid.

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

(p) Each of the prize box numbers and play numbers must be exactly one of those described in WAC 315-11-130 (1) and (2) and each of the captions to the prize box numbers and play numbers must be exactly one of those described in WAC 315-11-130 (5) and (6).

(q) Each of the three prize box numbers and the three play numbers on the ticket must be printed in the Mead Archer size font and must correspond precisely to the artwork on file at the lottery; each of the three prize box number captions and the three play number captions must be printed in the Mead 5 x 9 font and must correspond precisely to the artwork on file with the director; the pack-ticket number must be .11" high in red and correspond precisely to the artwork on file with the director; and the validation numbers must be printed in the Mead 9 x 12 font and must correspond precisely to the artwork on file with the director.

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

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

(2) Any ticket not passing all the validation requirements in subsection (1) of this section is invalid and ineligible for any prize.

(3) The director may replace an invalid ticket with an unplayed ticket(s) of equivalent sales price from any other current lottery instant game. In the event a defective ticket is purchased, the only responsibility or liability of the lottery shall be the replacement of the defective ticket with an unplayed ticket(s) of equivalent sales price from any other current lottery game. However, if the ticket is partially mutilated or if the ticket is not intact but can still be validated by the other validation tests, the director may pay the prize for that ticket.

WSR 84-17-018
ADOPTED RULES
LOTTERY COMMISSION
[Order 61—Filed August 3, 1984]

Be it resolved by the State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to Evergreen Lotto, new chapter 315-32 WAC.

This action is taken pursuant to Notice Nos. WSR 84-09-084 and 84-12-055 filed with the code reviser on April 18, 1984, and June 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 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 July 13, 1984.
By Lawrence G. Waldt
Chairman

NEW SECTION

WAC 315-32-010 DEFINITIONS FOR EVERGREEN LOTTO. (1) Number: Any play integer from 1 through 40 inclusive.

(2) Game grids: A field of the 40 numbers found on the play slip.

(3) Play slip: A mark-sense game card used by players of Evergreen Lotto to select plays. There shall be ten game grids on each play slip identified as A, B, C, D, E, F, G, H, I, and J.

NEW SECTION

WAC 315-32-020 PRICE OF EVERGREEN LOTTO TICKET. The price of each Evergreen Lotto ticket shall be \$1.00 and shall contain two plays. A player may use a play slip to purchase up to 5 tickets, as follows:

- 1 ticket: \$1 - game grids A and B.
- 2 tickets: \$2 - game grids A, B, C, and D.
- 3 tickets: \$3 - game grids A, B, C, D, E, and F.
- 4 tickets: \$4 - game grids A, B, C, D, E, F, G, and H.
- 5 tickets: \$5 - game grids A, B, C, D, E, F, G, H, I, and J.

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NEW SECTION

WAC 315-32-030 PLAY FOR EVERGREEN LOTTO. (1) Type of play: An Evergreen Lotto player must select six numbers in each play. A winning play is achieved only when 4, 5, or 6 of the numbers selected by the player match, in any order, the six winning numbers drawn by the lottery.

(2) Method of play: The player will use play slips to make number selections. The TDM will read the play slip and issue ticket(s) with corresponding plays. If a

play slip is not available, the agent may enter the selected numbers via the keyboard. A player may leave all play selections to a random number generator operated by the computer, commonly referred to as "quick play".

NEW SECTION

WAC 315-32-040 PRIZES FOR EVERGREEN LOTTO. (1) The prize amounts to be paid to each Evergreen Lotto player who selects a winning combination of numbers vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Evergreen Lotto drawing distributed over the number of winning tickets in each of the following categories.

WINNING COMBINATIONS

- All six winning numbers in one play
- Any five but not six winning numbers in one play
- Any four but not five or six winning numbers in one play

PRIZE CATEGORIES

- First Prize (Jackpot)
- Second Prize
- Third Prize

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(2) Prize pool. The prize pool consists of forty-five percent of Evergreen Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence), provided, that the jackpot shall have a minimum cash value of \$500,000.

(b) Second prize. Twenty percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Twenty percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Prize reserve. Two percent of the prize pool is to be held for payment of jackpot prizes at the discretion of the director.

(e) All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.

(f) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will

be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty equal annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten equal annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single lump sum.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form of fixed term annuity.

NEW SECTION

WAC 315-32-050 **TICKET PURCHASES.** (1) Evergreen Lotto tickets may be purchased between 6:00 a.m. and 11:00 p.m., Sunday through Friday and from 6:00 a.m. to the time established under WAC 315-30-040(2) on Saturdays, provided that on-line agents shall sell tickets only during their normal business hours.

(2) Evergreen Lotto tickets may be purchased only from a licensed agent authorized by the director to sell on-line tickets.

(3) Evergreen Lotto tickets shall contain the player's selection of numbers, amount, game grids played, and drawing date.

(4) Evergreen Lotto tickets may be purchased for the next drawing only.

NEW SECTION

WAC 315-32-060 **DRAWINGS.** (1) An Evergreen Lotto drawing shall be held each week on Saturday evening, except that the director may change the drawing schedule if Saturday is a holiday.

(2) The drawing will be conducted by lottery officials.

(3) Each drawing shall determine, at random, six winning numbers with the aid of mechanical drawing equipment which shall be tested before and after that drawing. Any drawn numbers shall not be declared winning numbers until the drawing is certified by the lottery. The winning numbers shall be used in determining all Lotto winners for that drawing. If a drawing is not certified, another drawing will be conducted to determine actual winners.

(4) The drawing shall not be invalidated based on the liability of the lottery.

WSR 84-17-019

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-96—Filed August 3, 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in Areas 8A, 12 and 12B provide opportunity to harvest full non-Indian chinook share that would otherwise not be taken by traditional means. All other areas are closed to prevent overharvest.

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

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

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

APPROVED AND ADOPTED August 3, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-47-903 **PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY.** Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Monday and Tuesday, August 6 and 7.*

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

**Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly August 7 through the morning of August 10. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.*

**Areas 8A, 12, and 12B – Closed except gill nets using 7-inch minimum mesh may fish*

from 7:00 PM to 9:30 AM August 7 through the morning of August 10, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 7, 8, and 9. Fishery exclusion zones applicable to Areas 8A and 12B commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas - closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-902 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-91)

**WSR 84-17-020
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**

[Filed August 6, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning the proposed amendments to WAC 296-104-500 Repairs—Major repairs are: For clarification; "repairs" is being amended to read, "nonnuclear" repairs; "major repairs" has been changed to read "alterations"; when a repair or an alteration involving welding of a pressure retaining part is performed, a National Board Inspection Code R-1 report shall be submitted to the jurisdiction. In addition, a copy of the R-1 Alteration Report for altered registered boilers and pressure vessels will be sent to the National Board; and repairs shall be performed only by those holding an ASME or National Board Certificate of Authorization or one who has an owner-user inspection agency accepted by the jurisdiction. The proposed amendments to WAC 296-104-515 Repairs—Safety devices are: Rupture discs are acceptable only when they are installed as specified in the latest edition of the ASME Code; the word "resetting" has been replaced with the word "repairing"; this pertains to internal adjustment and repairs made by qualified companies such as a qualified manufacturer or a valve repair shop that holds a valid "V," "UV," "NV," or "VR" Certificate of Authorization; and boiler and pressure vessels users may authorize external adjustments; the adjustments shall be witnessed and approved by a commissioned inspector; resealed adjustments shall show the identification of the organization making the adjustment and the date of the adjustment. WAC 296-104-700 Inspection fees—Certificate fees—Expenses proposes to amend the inspection fee from \$10.00 to \$15.00 per object, for certificate of inspection fees for objects inspected;

that the agency will at 10:00, Tuesday, October 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 October 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.

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

Dated: July 24, 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, Board of Boiler Rules—Substantive, includes WAC 296-104-500 Repairs—Major repairs; 296-104-515 Repairs—Safety devices; and 296-104-700 Inspection fees—Certificate fees—Expenses.

Statutory Authority: RCW 70.79.030 and 70.79.330.

Specific Statutes that Rules are Intended to Implement: RCW 70.79.030 and 70.79.330.

Summary of Rules: See above.

Reasons Supporting the Proposed Rules: WAC 296-104-500 is being amended because alteration guidelines have not been addressed anywhere in the WAC rules. The chief inspector is required by the RCW's to keep a record of the conditions of boilers and pressure vessels. The submission of the R-1 Alteration Report to the department will assist the chief inspector in keeping these records. An "R" Certificate of Authorization will require closer quality control requirements. In the past, without these controls incidents of unacceptable repairs have been performed by some unqualified welders. WAC 296-104-515 is being amended because of the need for clarification. The present WAC is subject to various interpretations. The proposed amendment prohibits unauthorized personnel from making internal adjustments

to safety devices. Internal adjustments can only be made by qualified manufacturers and those holding a National Board "VR" stamp. The proposed amendment will permit owners or users to use the capabilities of an outside company to make external adjustments provided such adjustments are witnessed by their commissioned in-service inspectors. The statement "Repairing of noncode relief or safety valves shall not be allowed" is being eliminated because liquid relief and "vacuum relief" valves are not covered by code symbol stamp requirements. WAC 296-104-700 is being amended to more accurately reflect the cost of the certificate of inspection fee. Operating expenses experienced during the last year and a half clearly indicate that an increase in revenue is required.

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 98118, (206) 281-5519.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: These are basic rule changes that will not be difficult for an owner/user, manufacturer, or repair shop to comply with.

The rules are not necessary to comply with a federal law or a federal or state court decision.

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

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

AMENDATORY SECTION (Amending Part VII, §1, filed 3/23/60)

WAC 296-104-500 NONNUCLEAR REPAIRS—
~~((MAJOR REPAIRS))~~ ALTERATIONS. Where a major repair (~~is~~ necessary, an inspector shall be called for consultation and advice as to the best method of making such repair. ~~After such repair is made it shall be subject to the approval of the inspector~~), involving welding to a pressure retaining part is performed, or an alteration is accomplished, a National Board Inspection Code R-1 report, signed by the certificate holder or a jurisdictional authorized owner-user inspection agency, and an authorized inspector shall be submitted to the jurisdiction. In addition, a copy of the R-1 Alteration Report will be sent to the National Board for altered registered boilers and pressure vessels. Repairs and alterations to all boilers, (~~unfired~~) pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they apply, except as modified above for the R-1 report submission. Furthermore, repairs shall be performed only by those holding an ASME Certificate of Authorization or a National Board "R" Certificate of Authorization or has an owner-user inspection agency accepted by the jurisdiction. In all cases the material and workmanship shall comply with the rules contained in the appropriate sections of the ASME Code.

AMENDATORY SECTION (Amending Part VII, §4, filed 3/23/60)

WAC 296-104-515 REPAIRS—SAFETY DEVICES. All boilers and (~~unfired~~) pressure vessels shall be safeguarded by safety valves or safety relief valves as specified in the latest edition of the ASME

Code. Rupture discs are acceptable (~~where they apply. Repairing of noncode relief or safety valves shall not be allowed~~) when installed as specified in the latest edition of the ASME Code.

The (~~resetting~~) repairing and restamping of the set pressure of safety devices shall be done by a qualified manufacturer or valve repair shop (~~—Qualification to be by a national board inspector. Resetting while on the boiler or unfired pressure vessel shall be in the presence of an authorized national board inspector~~) holding a valid "V", "UV", "NV", or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer. Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety devices, except Section IV safety valves, back to the stamped set pressure provided a calibrated hydraulic or pneumatic lift device is used to apply an auxiliary lifting load on the valve spring to reestablish the set pressure and provided that qualified testing procedures are followed. This adjustment shall be witnessed and approved by a commissioned inspector responsible for the in-service inspection of the boiler or pressure vessel which the safety device protects. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

AMENDATORY SECTION (Amending Order 84-09, filed 5/10/84)

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.

Heating boilers:	Internal	External
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
Power boilers:	Internal	External
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 supply heaters per RCW 70.79.090		5.00
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, the certificate of inspection fee is ((\$10.00)) \$15.00 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.

WSR 84-17-021
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-97—Filed August 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 fishery 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 harvestable numbers of salmon have been taken.

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

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

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

APPROVED AND ADOPTED August 6, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-24-02000B LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-24-010, 220-24-020 or 220-24-030, effective 12:00 noon, August 6, 1984 until further notice it is unlawful for any licensed salmon troll fisherman to fish for salmon for commercial purposes in the waters west of the Bonilla-Tatoosh Line, Pacific Ocean waters or Columbia River waters west of a line drawn true north-south through Buoy 10 or to land or possess any troll caught coho salmon or troll caught chinook salmon taken north of Cape Falcon after 12:00 noon August 7, 1984, in any Washington port on the Pacific Ocean or westerly of a line projected due north from the mouth of the Sekiu River, or land or possess such salmon in any Washington port inside Puget Sound easterly of the Sekiu River line after 12:00 noon August 8, 1984.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-24-02000A LAWFUL ACTS—TROLL FISHERY (84-37)

WSR 84-17-022
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-98—Filed August 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 regulations.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is adopted in compliance with a federal court restraining order.

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

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

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

APPROVED AND ADOPTED August 6, 1984.

By Frank Haw
for William R. Wilkerson
Director

NEW SECTION

WAC 220-32-05100D SEASONS—SALMON. Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from 12:00 noon August 6, 1984 to 12:00 noon August 9, 1984 and 12:00 noon August 13, 1984 to 12:00 noon August 16, 1984. Maximum mesh restriction of 6 1/2 inches.

NEW SECTION

WAC 220-32-05800M CLOSED AREAS SALMON—RIVER MOUTHS. Notwithstanding the provisions of WAC 220-32-058, effective 12:00 noon August 6, 1984 through 12:00 noon August 16, 1984, the sanctuary provisions at the mouth of Spring Creek National fish hatchery are repealed for individuals participating in a legal commercial salmon fishery.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-05100C SEASONS—SALMON. (84-58)

WSR 84-17-023
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 422—Filed August 7, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the southwest area.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to continued dry weather and the forecasted weather conditions in shutdown zones 660 and 621 east, in the southwest area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 7, 1984.

By Brian J. Boyle
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 421, filed 8/3/84)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTHWEST AREA. Department of Natural Resources Shutdown Zones affected by this restriction are zones 660, in parts of Skamania and eastern Lewis, Clark, and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Southwest Area.

Effective midnight ((Friday)) Tuesday, August ((3)) 7, 1984 through midnight ((Tuesday)) Friday, August ((7)) 10, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day of the shutdown period.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in shutdown zones 660 and 621 East, located in the Southwest Area, during the period midnight ((Friday)) Tuesday, August ((3)) 7, 1984 through midnight ((Tuesday)) Friday, August ((7)) 10, 1984.

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

WSR 84-17-024
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-99—Filed August 7, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon in the ocean have been taken, but a limited recreational

fishery in the lower Columbia River will provide opportunity while a jack salmon fishery only upstream of the Megler Astoria Bridge will allow protection for adult spawning stocks.

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

This rule is promulgated pursuant to RCW 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 7, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000L SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 9, 1984 until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean waters off of the Washington Coast, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River west of a line projected true north-south through Buoy 10 except those waters within three miles of shore, north of a line projected due west from the mouth of the Queets River to Tatoosh Island, thence within three miles of Tatoosh Island to a line from Tatoosh Island to Bonilla Point on Vancouver Island, and those waters easterly of the Bonilla-Tatoosh line and westerly of a line projected due north from the mouth of the Sekiu River - special daily bag limit of one salmon of any species, minimum coho salmon size of 16 inches and minimum chinook salmon size of 24 inches. Open July 28, 1984 until further notice. The possession limit may not exceed two daily bag limits of fresh salmon. Additional salmon may be possessed in a frozen or processed form.

NEW SECTION

WAC 220-57-16000I COLUMBIA RIVER. Notwithstanding the provisions of WAC 220-57-160: (a) Effective immediately through August 15, 1984 special bag limit of six chinook, coho and sockeye salmon in the aggregate not less than 10 inches in length or more than 24 inches in length for chinook or sockeye salmon or 20 inches in length for coho salmon in those waters of the Columbia River downstream from the Highway 12 Bridge at Pasco to the Megler Astoria Bridge except those waters closed in WAC 220-57-160 (3) and (4) remain closed, and the waters of Camas Slough between the upper Highway 14 Bridge on Lady Island and a line projected true north from the lower end of Lady Island are open under this bag limit.

(b) Effective 12:01 a.m. August 9, 1984, through 11:59 p.m. August 15, 1984, bag limit F in those waters

of the Columbia River downstream from the Megler Astoria Bridge to a line running true north-south through Buoy 10.

REPEALER

The following sections of the Washington Administrative Code are repealed effective 12:01 a.m. August 9, 1984:

WAC 220-56-19000K SALTWATER SEASONS AND BAG LIMITS—SALMON. (84-85)

WAC 220-57-16000H COLUMBIA RIVER (84-83)

WSR 84-17-025

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-100—Filed August 7, 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in Areas 8A, 12 and 12B provide opportunity to harvest full non-Indian chinook share that would otherwise not be taken by traditional means. All other areas are closed to prevent overharvest. Extension of troll fishery in Areas 5 and 6C coincides with IPSFC purse seine extension.

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

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

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

APPROVED AND ADOPTED August 7, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-47-904 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful

to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Monday, Tuesday and Wednesday, August 6, 7, and 8.*

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

Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly August 7 through the morning of August 10. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

Areas 8A, 12, and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM August 7 through the morning of August 10, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 7, 8, and 9. Fishery exclusion zones applicable to Areas 8A and 12B commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-903 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-96)

WSR 84-17-026

**NOTICE OF PUBLIC MEETINGS
PENINSULA COLLEGE**
[Memorandum—August 3, 1984]

The board of trustees of Community College District No. 1, Peninsula College, meeting in regular session on August 1, 1984, voted to change its September 1984, meeting date from the 19th to the 12th. The board will meet at 3 p.m. in the board room at Peninsula College.

WSR 84-17-027

**NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION**
[Memorandum—August 3, 1984]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn on Thursday, August 23, 1984, at 9:30 a.m. The hospitals scheduled for informal hearing have previously filed with the commission their annual budget and rate requests and their requests for amendments to their previously approved budget and rates. Staff findings and recommendations will be prepared and transmitted to the scheduled hospitals and to members of the Hospital Commission in accordance with WAC 261-20-135. Such information is on file in the commission's office and is available for inspection.

Meetings of the State Hospital Commission are scheduled for September 26, October 25, November 15, and December 5 and 6, 1984, at the Vance Airport Inn; December 11 and 12 at the Hallmark Inn, Moses Lake; and December 20 at the Vance Airport Inn.

WSR 84-17-028

**ATTORNEY GENERAL OPINION
Cite as: AGO 1984 No. 18**
[August 3, 1984]

**LANDLORD AND TENANT—REAL ESTATE—INTEREST—
MAINTENANCE OF SECURITY DEPOSITS—ASSIGNMENT OF
INTEREST TO PROPERTY MANAGER**

Owners of residential income properties may assign their entitlement (under RCW 59.18.270) to interest on a trust bank account containing damage or security deposits to the real estate broker managing the property who has been designated as the representative of the owner; however, in order to avoid a violation of RCW 18.85.310, the interest moneys must not be initially deposited into the trust account but must, instead, be immediately credited to the real estate broker's own separate account.

Requested by:

Honorable Bob McCaslin
St. Sen., 4th District
1003 South Pines Road
Spokane, WA 99206

WSR 84-17-029

**ADOPTED RULES
INTERAGENCY COMMITTEE
FOR OUTDOOR RECREATION**
[Order 84-2—Filed August 8, 1984]

Be it resolved by the Interagency Committee for Outdoor Recreation, acting at the Council Chambers, Lacey City Hall, 420 College S.E., Lacey, WA 98503, that it does adopt the annexed rules relating to revision and amendment to chapter 286-26 WAC:

- Amd WAC 286-26-020 Definitions, to include definition (7) off-road vehicle advisory committee (ORVAC), which is an established committee to advise the director of the IAC in regard to the off-road vehicle plan and other ORV matters. Authorized by RCW 46.09.260.
- Amd WAC 286-26-055 Funded projects, to note that the off-road vehicle advisory committee (ORVAC) as well as staff of the IAC will review all ORV projects and that a supplemental agreement may be issued by the IAC on a project contract already in force.

This action is taken pursuant to Notice No. WSR 84-12-049 filed with the code reviser on June 1, 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 Interagency Committee for Outdoor Recreation as authorized in chapter 43.99 RCW.

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

APPROVED AND ADOPTED July 20, 1984.

By Robert L. Wilder
Director

AMENDATORY SECTION (Amending Order IAC 82-1, filed 12/8/82)

WAC 286-26-020 DEFINITIONS. For purposes of this chapter, the following definitions shall apply:

(1) "Nonhighway vehicle" means any self-propelled vehicle when used for recreation travel on trails and nonhighway roads or for recreation cross-country travel on any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland, and other natural terrain. Such vehicles shall include, but are not limited to, two or four-wheel drive vehicles, motorcycles, dune buggies, amphibious vehicles, ground effects or air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

Nonhighway vehicle does not include:

- (a) Any vehicle designed primarily for travel on, over, or in the water;
- (b) Snowmobiles or any military vehicles; or
- (c) Any vehicle eligible for a motor vehicle fuel tax exemption or rebate under chapter 82.36 RCW for which an exemption or rebate is claimed. This exception includes, but is not limited to, farm, construction, and logging vehicles.

(2) "Off-road vehicle" (ORV) means any nonhighway vehicle when used for cross-country travel on trails or any one of the following or a combination thereof: Land, water, snow, ice, marsh, swampland and other natural terrain.

(3) "Interagency committee for outdoor recreation off-road vehicle funds" (IAC-ORV funds) means those

funds deposited in the outdoor recreation account to be administered and distributed by the interagency committee in conformance with chapter 46.09 RCW, and IAC-ORV participation manuals for the planning, acquisition, development and management of ORV trails and areas.

(4) "Off-road vehicle trail" (ORV trail) means a corridor designated and maintained for public ORV recreational use which is not normally suitable for travel by conventional two-wheel drive vehicles and which is posted or designated by the managing authority of the property that the trail traverses as permitting ORV travel; this may include race courses for ORV motorcycles and four-wheeled vehicles over 40 inches width which are equipped with four-wheel drive or other characteristics such as nonslip drive trains and high clearance. Such courses will be designed to include ORV trail or area characteristics such as sharp turns, jumps, soft tread material, dips, or other obstacles found in more natural settings. Race courses designed primarily for other vehicles, such as go-karts and formula cars, constitute an inappropriate use of ORV funds.

(5) "Off-road vehicle use area" means the entire area of a parcel of land except for camping and approved buffer areas where it is posted or designated for ORV use in accordance with rules adopted by the managing authority.

(6) "Management" means the action taken in exercising control over, regulating the use of, and operation and maintenance of ORV trails and ORV areas.

(7) "Off-road vehicle advisory committee" (ORVAC) means the established committee of off-road vehicle (ORV) recreationists, including representatives of organized ORV recreational groups, to advise the director in the development of the state-wide ORV plan, the development of a project funding system, the suitability of ORV projects submitted to the interagency committee for funding, and other aspects of ORV recreation as the need may arise, in accordance with chapter 46.09 RCW. This committee may also include representatives from various governmental entities or other interests as deemed appropriate by the interagency committee for outdoor recreation.

AMENDATORY SECTION (Amending Order IAC 82-1, filed 12/8/82)

WAC 286-26-055 FUNDED PROJECTS. (1) Final decision. The interagency committee will review all staff and ORVAC recommendations for off-road vehicle projects. The interagency committee retains the authority and the responsibility to accept or deviate from staff and/or ORVAC recommendations and it alone has the authority to make the final decision concerning the funding of a project.

(2) Project contract/intergovernmental agreement (supplemental agreement). For every funded project, a project contract or intergovernmental agreement (supplemental agreement) must be executed (as applicable). The project contract/intergovernmental agreement (supplemental agreement) shall be prepared by the interagency committee staff subsequent to approval of the project by the committee. The director shall execute the

contract/intergovernmental agreement (supplemental agreement) on behalf of the interagency committee and tender the document to the sponsoring agency for execution. Upon execution by the sponsoring agency, the parties will thereafter be bound by the project contract/intergovernmental agreement (supplemental agreement). The sponsoring agency may not proceed with the project until the project contract/intergovernmental agreement (supplemental agreement) has been executed unless specific authorization has been given by the director.

WSR 84-17-030
EMERGENCY RULES
LOTTERY COMMISSION
[Order 62—Filed August 8, 1984]

Be it resolved by the State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to prizes for Evergreen Lotto, amending WAC 315-32-040.

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 this amendment is necessary to allow the director to increase the minimum jackpot prize to encourage game participation and thereby maximize revenue to the state. Delay in implementation of this rule would be contrary to the public interest.

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

This rule is promulgated pursuant to RCW 67.70.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 3, 1984.

By Lawrence G. Waldt
Chairman

AMENDATORY SECTION (Amending Emergency Order 57, filed 6/6/84)

WAC 315-32-040 PRIZES FOR EVERGREEN LOTTO. (1) The prize amounts to be paid to each Evergreen Lotto player who selects a winning combination of numbers vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Evergreen Lotto drawing distributed over the number of winning tickets in each of the following categories.

WINNING COMBINATIONS

All six winning numbers in one play

PRIZE CATEGORIES

First Prize (Jackpot)

Any five but not six winning numbers in one play
Any four but not five or six winning numbers in one play

Second Prize

Third Prize

(2) Prize pool. The prize pool consists of forty-five percent of Evergreen Lotto revenue.

(3) Prize amounts.

(a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence), provided, that the jackpot shall have a minimum cash value of \$500,000. The director may increase the minimum cash value of the jackpot by an amount not to exceed the amount added to the jackpot from the prior week's sales.

(b) Second prize. Twenty percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Twenty percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Prize reserve. Two percent of the prize pool is to be held for payment of jackpot prizes at the discretion of the director.

(e) All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.

(f) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty equal annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten equal annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single lump sum.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form of fixed term annuity.

WSR 84-17-031
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Physical Therapy)
[Order PL 476—Filed August 8, 1984]

Be it resolved by the Washington State Board of Physical Therapy, acting at Spokane, Washington, that it does adopt the annexed rules relating to adoption of the Uniform Disciplinary Act, chapter 279, Laws of 1984.

This action is taken pursuant to Notice No. WSR 84-13-083 filed with the code reviser on June 21, 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 section 43, chapter 279, Laws of 1984, which directs that the

Washington State Board of Physical Therapy has authority to implement the provisions of the Uniform Disciplinary Act.

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

APPROVED AND ADOPTED July 31, 1984.

By Chester C. Jolly, LPT
Chairman

NEW SECTION

WAC 308-42-200 UNIFORM DISCIPLINARY ACT. The board elects to adopt the Uniform Disciplinary Act, Sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.74 RCW effective August 1, 1985.

WSR 84-17-032
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Physical Therapy)
[Order PL 477—Filed August 8, 1984]

Be it resolved by the Washington State Board of Physical Therapy, acting at Spokane, Washington, that it does adopt the annexed rules relating to the practice of physical therapy.

This action is taken pursuant to Notice No. WSR 84-13-058 filed with the code reviser on June 19, 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 18.74.023 which directs that the Washington State Board of Physical Therapy has authority to implement the provisions of chapter 18.74 RCW.

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

APPROVED AND ADOPTED July 31, 1984.

By Chester C. Jolly, LPT
Chairman

AMENDATORY SECTION (Amending Order PL 426, filed 2/10/83)

WAC 308-42-045 EXAMINATION. (1) The examination acceptable to and approved for use under the provisions of RCW 18.74.035 shall be the examination for physical therapists as prepared by the Professional Examining Service of New York. A passing score is 70% of the raw score with not less than 60% raw score on each of the three examination parts.

~~((2) A passing score, as defined above, obtained in a PES exam within three years prior to the date of registration application and verified by the Interstate Reporting Service of the Professional Examination Service of New York, will satisfy the written examination requirements:~~

~~(3)) 2~~ If a candidate fails to receive a passing score on the examination, he or she ~~((must retake the entire examination))~~ will be required to retake only the section(s) failed.

~~((4)) 3~~ Where necessary, applicant's score will be rounded off to the nearest whole number.

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 PL 426, filed 2/10/83)

WAC 308-42-060 RECIPROCITY—~~((RECOMMENDATIONS TO DIRECTOR))~~ REQUIREMENTS FOR LICENSURE. (1) ~~Before ((recommending to the director that))~~ reciprocity ~~((be))~~ is extended to any individual licensed to practice physical therapy under the law of another state, territory, or District of Columbia, the ~~((examining committee))~~ board shall determine the qualifications of the applicant as prescribed by law~~((f,))~~ based in part on the Professional Examining Service examination as follows:

(a) For applicants examined after October 14, 1981, a score of 70% of the raw score with not less than 60% raw score on ~~((each of the))~~ each of the three examination parts, ~~((for))~~

(b) For applicants examined prior to October 14, 1981, a score of 1.5 standard deviation below the national mean; verified~~((f,))~~ by the Interstate Reporting Service of the Professional Examining Service of New York, shall be considered passing for the purpose of reciprocity outlined in RCW 18.74.060.

(2) If the decision to extend reciprocity is based on an examination other than the Professional Examining Service, the ~~((examining committee))~~ board shall determine if such examination is equivalent to that required by the laws of this state.

(3) The ~~((committee))~~ board shall not recommend to the director that a person be registered as a physical therapist under the reciprocity provisions of RCW 18.74.060, unless said applicant shall have taken and passed the Professional Examining Service examination, or other examination equivalent to that required by the laws of this state.

~~((4) All applicants who have been denied reciprocity must apply for registration in Washington and receive a probationary certificate or become licensed before engaging in the practice of physical therapy.))~~

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.

NEW SECTION

WAC 308-42-135 SUPPORTIVE PERSONNEL — SUPERVISION. Supervision of supportive personnel

requires that the supervisor perform the following activities:

- (1) Provide initial evaluation of the patient.
- (2) Develop a treatment plan and program, including long and short-term goals.
- (3) Assess the competence of supportive personnel to perform assigned tasks.
- (4) Select and delegate appropriate portions of the treatment plan and program.
- (5) Direct and supervise supportive personnel in delegated functions.
- (6) Reevaluate the patient and adjust the treatment plan as acceptable physical therapy practice requires, consistent with the delegated health care task.
- (7) Provide discharge planning.

NEW SECTION

WAC 308-42-145 SPECIAL REQUIREMENTS FOR PHYSICAL THERAPIST ASSISTANT UTILIZATION. The physical therapist assistant may function under immediate, direct or indirect supervision if the following requirements are met:

- (1) When supervision is indirect, patient reevaluation must be performed by a supervising licensed physical therapist every five visits or once a week if treatment is performed more than once a day.
- (2) Any change in the patient's condition not consistent with planned progress or treatment goals necessitates a reevaluation by the licensed physical therapist before further treatment is carried out.

NEW SECTION

WAC 308-42-160 PHYSICAL THERAPY RECORDS. In order to maintain the integrity of physical therapy practice, the physical therapist is responsible for obtaining all necessary information, such as medical history, contraindications or, if a direct referral from an authorized health care practitioner, special instructions. The physical therapist shall document the consultation of a non-referral patient. The evaluation and treatment plan shall be written according to acceptable physical therapy practice consistent with the delegated health care task.

WSR 84-17-033
ADOPTED RULES
COMMITTEE FOR
DEFERRED COMPENSATION
 [Order 84-2—Filed August 8, 1984]

Be it resolved by the Committee for Deferred Compensation, acting at the House Office Building, Hearing Room C, Olympia, Washington, that it does adopt the annexed rules relating to:

Amd WAC 154-12-050 Modification of deferral.
 Rep WAC 154-12-105 Change of investment mode.

This action is taken pursuant to Notice No. WSR 84-14-083 filed with the code reviser on July 3, 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 Committee for Deferred Compensation as authorized in RCW 41.04.260.

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

APPROVED AND ADOPTED August 8, 1984.

By C. H. Shay
 Group Insurance Analyst

AMENDATORY SECTION (Amending Order 82-3, filed 6/11/82)

WAC 154-12-050 MODIFICATION OF DEFERRAL. A participant may (~~change the amount of deferral specified pursuant to WAC 154-12-010(2) of this plan at any time, but~~) modify his/her deferral no more frequently than twice in any calendar year, unless the committee by specific action authorizes a special additional open change period. Such change may be in the amount of deferral specified and/or the investment mode pursuant to WAC 154-12-010(2). A change in the investment mode may apply to the redirection of amounts previously deferred as well as current deferrals. Such change or changes shall be effective as to any calendar month only if a new participation agreement is executed by the participant and approved by the committee or its designee before the beginning of such calendar month. The committee reserves the right to defer the effective date of any such change or changes.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 154-12-105 CHANGE OF INVESTMENT MODE.

WSR 84-17-034
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-101—Filed August 9, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is jack salmon are returning and available for harvest as a result of releases from the Maritime Heritage Center Hatchery in Bellingham.

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

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

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

APPROVED AND ADOPTED August 9, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-503 WHATCOM CREEK. Effective immediately until further notice it is lawful to fish for and possess salmon taken for personal use under bag limit C in those waters downstream from the footbridge below Dupont Street in Bellingham.

WSR 84-17-035
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2137—Filed August 10, 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 advanced life support technicians, amending chapter 248-15 WAC.

This action is taken pursuant to Notice No. WSR 84-11-068 filed with the code reviser on May 22, 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 18.71.205 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 11, 1984.

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

AMENDATORY SECTION (Amending Order 1718, filed 11/12/81)

WAC 248-15-020 DEFINITIONS. For the purpose of these rules and regulations, the following words, phrases, and abbreviations shall have the following meanings unless the context clearly indicates otherwise (also see WAC 248-17-020 for additional abbreviations and definitions applicable to this chapter).

(1) "Department" shall mean the department of social and health services.

(2) "Approved (~~licensed physician~~) emergency medical services (EMS) medical program director" shall mean a (~~licensed physician who~~:

~~(a) Is knowledgeable in emergency medical services; and~~

~~(b) Has been accepted by the department as being qualified to the equivalent certification in advanced cardiac life support training by the American Heart Association; and~~

~~(c) Is designated as a physician program director, responsible for coordinating matters pertaining to an advanced life support system; or~~

~~(d) Is designated as a training physician, responsible for the training of physician's trained mobile intravenous therapy technicians, physician's trained mobile airway management technicians, or physician's trained mobile intensive care paramedics; or~~

~~(e) Is designated as a supervising physician, responsible for the control and direction of certified advanced life support personnel in the performance of their duties and who directs such advanced life support personnel by verbal communication or by standing orders; and~~

~~(f) Is approved by the department to perform such designated functions in emergency medical services:)) doctor of medicine or osteopathy who has been approved by the department under RCW 18.71.205, and who:~~

~~(a) Is licensed to practice medicine and surgery in the state of Washington in accordance with chapter 18.57 or 18.71 RCW; and~~

~~(b) Is qualified and knowledgeable in the administration and management of emergency care and services including current certification as an advanced cardiac life support provider or equivalent; and~~

~~(c) Is responsible for the supervision of, or delegation of supervision of training of advanced life support mobile intravenous therapy technicians, mobile airway management technicians, and mobile intensive care paramedics; and~~

~~(d) Is responsible for the delegation of an advanced life support supervising physician(s) who is responsible for control and direction of certified advanced life support personnel in their duties and who directs such advanced life support personnel by verbal communication or by standing orders; and~~

~~(e) Is responsible for medical matters, training and medical control of basic life support personnel, as defined in chapter 18.73 RCW and chapter 248-17 WAC; and~~

~~(f) Is certified as the approved EMS medical program director by the department for a county or group of counties in coordination with recommendations by the local medical community and the local EMS council.~~

(3) "Emergency medical services committee" shall mean that committee appointed by the governor under RCW 18.73.040 which is responsible for advising and assisting the secretary on the identification of the requirements for prehospital emergency medical and ambulance services and practices and the formulation of implementation planning.

(4) "Emergency medical technician" (abbr. EMT) shall mean an individual who is certified according to chapter 18.73 RCW.

(5) "Physician's trained mobile intravenous therapy technician" (abbr. IV therapy technician) shall mean an individual who has successfully completed an (~~emergency medical technician~~) EMT training course; has been trained under the supervision of an approved (~~training physician~~) EMS medical program director to administer intravenous solutions under written or oral authorization of (~~an approved supervising physician and has been examined and certified as a physician's trained mobile intravenous~~) a delegated advanced life support supervising physician and has been examined and certified as an IV therapy technician by the department or the University of Washington's school of medicine.

(6) "Physician's trained mobile airway management technician" (abbr. airway management technician) shall mean an individual who has successfully completed an emergency medical technician training course; has been trained under the supervision of an approved (~~training physician~~) EMS medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of (~~an approved~~) a delegated supervising physician(s) and has been examined and certified as (a physician's trained mobile) an airway management technician by the department or the University of Washington's school of medicine.

(7) "Physician's trained mobile intensive care paramedic" (abbr. paramedic) shall mean an individual who has successfully completed an (~~emergency medical technician~~) EMT training course; has been trained under the supervision of an approved (~~training physician~~) EMS medical program director to carry out all phases of prehospital advanced life support under written or oral authorization of (~~an approved~~) a delegated supervising physician(s) and has been examined and certified as a (physician's trained mobile intensive care) paramedic by the department or the University of Washington's school of medicine.

(8) "Secretary" shall mean the secretary of the department of social and health services.

(9) "Emergency medical services council" shall mean an organized council of emergency medical services providers recognized by the department of social and health services. The council may represent county or multi-county area.

(10) "Advanced life support technician" shall mean any level of technician certified under RCW 18.71.200.

(11) Local medical community shall mean the organized local medical society which exists in the general geographic area in which the advanced life support program is maintained or proposed or, in the absence of an organized medical society, majority physician consensus in the county or counties served by the advanced life support program.

(12) "Medical control" shall mean physician direction of medical matters that are involved in patient care, including responsibility for supervision of training programs, the establishment of field protocols, and the

recommendation for certification, recertification and de-certification of individuals certified under this chapter.

AMENDATORY SECTION (Amending Order 1718, filed 11/12/81)

WAC 248-15-030 PHYSICIAN'S TRAINED MOBILE INTRAVENOUS THERAPY TECHNICIAN—AIRWAY MANAGEMENT TECHNICIAN—MOBILE INTENSIVE CARE PARAMEDIC, SELECTION, GENERAL TRAINING, AND KNOWLEDGE STANDARDS. (1) Applicants for training as (~~physician's trained mobile intravenous~~) IV therapy technicians shall meet the following prerequisites:

(a) Successful completion of an (~~emergency medical technician~~) EMT course as described in chapter 18.73 RCW;

(b) A minimum of one year's current experience as an active (~~emergency medical technician~~) EMT;

(c) Be selected for training by the (~~physician~~) EMS medical program director and the academic facility used for such training;

(d) Successfully pass such pretraining written, practical and/or oral examinations required by the department.

(2) Academic facilities used for training of (~~physician's trained mobile intravenous~~) IV therapy technicians shall possess the following minimum criteria:

(a) Be approved by the local EMS medical program director on the forms provided by the department.

(b) The academic facility shall have written agreements with the department to perform the training. The forms (~~"advanced life support training application"~~) provided by the department and the department's letter of approval shall constitute the written agreement;

(~~(b)~~) (c) The academic facility shall have written agreements with the clinical facility if the clinical training is accomplished in a separate facility.

(3) Academic instructional personnel shall consist of the following categories:

(a) An approved (~~licensed physician~~) EMS medical program director who will be responsible for systems coordination.

(b) (~~An approved licensed~~) A designated training physician who will be responsible for the academic and clinical content of the course—the (~~physician~~) EMS medical program director and training physician may be combined into one responsibility.

(c) A course coordinator appointed by EMS medical program director and the academic facility who shall be responsible for processing applications and assist in the selection of students; maintain an inventory of all training equipment available; assist in the selection of instructors, schedule classes and assign instructors; conduct instructor and clinical preceptor orientation; schedule students for the in-hospital clinical experience; assist in the coordination of the examination sessions, including the preparation of evaluation materials; counsel trainees on an individual basis and other related duties under the training physician. The course coordinator need not be a physician.

(d) Instructional personnel consisting of such physicians, nurses, and allied health professionals knowledgeable in specific subject matter of a given lesson.

(4) Clinical facilities used for training of (~~(physician's trained mobile intravenous)~~) IV therapy technicians shall have as minimum qualifications, the following departments or sections, personnel and policies:

(a) Approved supervising physician coverage for emergency care in accordance with WAC 248-18-285;

(b) Have program approval in writing from the administrator and chief of staff;

(c) (~~(Appoint an approved training physician who will be available for consultative help to students for the duration of the course;~~

~~(d))~~) Agree in writing to participate in continuing education;

~~((e))~~) (d) Provide clinical experience with supervision of students during the clinical portion of the training program;

~~((f))~~) (e) Have necessary radio equipment for voice communications between field personnel and clinical facility;

~~((g))~~) (f) Agree to provide an orientation program that will inform students as to the policies, procedures and general layout of the facility, as well as inform employees of the purpose and limits of the program.

(5) The course content shall consist of the following minimum knowledge standards or equivalent which each student must be able to meet:

STANDARD I—THE ADVANCED LIFE SUPPORT TECHNICIAN, HIS ROLE, RESPONSIBILITIES AND TRAINING

(a) Role of the advanced life support technician:

(i) Identify the activities performed by an advanced life support technician in the field;

(ii) Identify the role of the advanced life support technician in the emergency medical system in which he is functioning;

(b) Laws governing the advanced life support technician:

(i) Demonstrate a working knowledge of the Medical Practices Act of the state of Washington, the good samaritan law, Washington state legislation affecting emergency medical technicians and advanced life support technicians and the Washington Administrative Code rules for ambulance operation;

(ii) Demonstrate a knowledge and understanding of:

(A) Consent

(B) Abandonment

(C) Delegated practice (standing orders)

(D) Liability and malpractice

(E) Required records and reports for substantiating incidents.

(c) Orientation to the advanced life support program:

(i) Identify the skills required of an advanced life support technician;

(ii) Identify the requirements for:

(A) Emergency medical technician

(B) Physician's trained mobile intravenous therapy technician

(C) Physician's trained mobile airway management technician

(D) Physician's trained mobile intensive care paramedic

(E) The training level of all approved Washington state emergency care providers.

(d) Issues concerning the health professional. The advanced life support technician shall demonstrate a knowledge and understanding of:

(i) Ethics; professional conduct, confidentiality;

(ii) Legal requirements relating to advanced life support technicians;

(iii) The difference between ethical behavior and legal requirements.

(e) The student shall be able to identify the activity most appropriate in the handling of a dying patient, bystanders or the immediate relatives of the dying patient.

STANDARD II—HUMAN SYSTEMS AND PATIENT ASSESSMENT

(a) Medical terminology: Demonstrate a working knowledge of medical terminology and anatomical terms, including common prefixes and suffixes, and state their meanings.

(b) Human systems (anatomy and physiology)

(i) Recognize the differences and define the categories of:

(A) Anatomy

(B) Physiology

(C) Biochemistry

(D) Biophysics.

(ii) Demonstrate a knowledge of the basic principles of cell function, cell specialization and cell structure.

(iii) Recall and identify all common anatomic terms to include the anatomic terms relating to all medical subspecialties.

(iv) Identify and demonstrate a knowledge of the following systems, subsystems or organs of the body and recognize and associate the label for each system, subsystem or organ with the appropriate function:

(A) Muscles

(B) Skeleton

(C) Joints

(D) Respiratory system

(E) Lymphatic system

(F) Brain

(G) Spinal cord

(H) Peripheral nervous system

(I) Autonomic nervous system

(J) Renal system

(K) Liver

(L) Digestive system

(M) Endocrine system

(N) Circulatory system.

(c) Patient assessment:

(i) Describe and demonstrate how to conduct a primary survey;

(ii) Identify the steps required in the primary assessment of a communicative and noncommunicative patient;

(iii) Recall from memory the components of the secondary assessment;

(iv) Outline the information that must be obtained in:

(A) Immediate history

- (B) Pertinent past medical history
- (C) Pertinent family history
- (v) Answer questions and describe in detail all components of a complete examination of a critically ill patient;
- (vi) Demonstrate the ability to communicate information regarding patient assessment to the supervising physician at a remote medical facility and to the medical personnel receiving the patient.

AMENDATORY SECTION (Amending Order 1718, filed 11/12/81)

WAC 248-15-080 CERTIFICATION AND RECERTIFICATION. (1) Certification as ~~((a-physician's trained mobile intravenous))~~ an IV therapy technician, ((physician's trained mobile)) airway management technician or ~~((physician's trained mobile intensive care))~~ paramedic shall be for two years and shall be based on successfully completing the course(s) and exam as approved by the University of Washington or the department and being recommended for such certification by the approved ~~((licensed))~~ EMS medical program director. Such recommendation shall be in writing and will include the name and address of the individual being recommended. The effective date of certification shall be the date of the letter of recommendation. The expiration date will be the last date of the month, two years following certification.

(2) Recertification will be based on successful completion of the following:

(a) Maintaining the skill according to the skill standards delineated in this chapter for the appropriate skill requirement as documented by the approved ~~((licensed))~~ EMS medical program director.

(b) Successfully passing such written, oral and/or practical recertification examinations as approved by the department or the University of Washington school of medicine.

(c) Written recommendation from the approved ~~((physician))~~ EMS medical program director.

Recertification shall be for two years and shall be effective from the date of the letter of recommendation from the approved EMS medical program director.

(3) Certifications and recertifications awarded under this chapter shall be valid in the following conditions:

(a) In the county or counties indicated on the certification card;

(b) In areas where formal mutual aid agreements are in force; and

(c) In situations where the provider accompanies a patient in transit.

Individuals who ~~((are employed in other than their county of residence must have their certificates validated and revalidated by the physician program director of their county of employment before performing advanced life support skills))~~ routinely perform ALS skills in more than one county shall be certified in each county. New

cards will be issued upon written recommendation of the ~~((physician))~~ approved EMS medical program director of the county of employment.

AMENDATORY SECTION (Amending Order 1329, filed 8/22/78)

WAC 248-15-100 REVOCATION, SUSPENSION OR MODIFICATION OF CERTIFICATE. (1) Grounds for revocation or suspension of ~~((a-physician's trained mobile intravenous))~~ an IV therapy technician, ((physician's trained mobile)) airway management technician, or ~~((physician's trained mobile intensive care))~~ paramedic include but are not limited to proof that such certified individual:

~~((1))~~ (a) Has been guilty of misrepresentation in obtaining the certificate;

~~((2))~~ (b) Has engaged or attempted to engage in, or represented himself~~((/herself))~~ as entitled to perform any service not authorized by the certificate;

~~((3))~~ (c) Has demonstrated incompetence or has shown himself~~((/herself))~~ otherwise unable to provide adequate service;

~~((4))~~ (d) Has violated or aided and abetted in the violation of any provision of chapter 18.73 RCW or the rules and regulations promulgated thereunder;

~~((5))~~ (e) Has demonstrated unprofessional conduct in the course of providing services as determined by the department or the University of Washington school of medicine;

~~((6))~~ ~~Has failed to maintain skills;~~

(f) Has violated written patient care protocols which have been adopted by the approved EMS medical program director or delegate(s) and which have been acknowledged in writing by the certified individual;

(g) Has failed to maintain skills.

(2) The approved EMS medical program director may initiate a counseling procedure with a certified individual which may lead to a recommendation for revocation, suspension, or modification of certification. The counseling procedure, if initiated, shall include the following minimum standards:

(a) Oral counseling with the certified individual and his employer or delegate. Written documentation stating the reason(s) and results of the oral counseling shall be provided to participants;

(b) Written counseling with the certified individual and the employer or delegate, stating the reason(s) for counseling, the expectations for corrective action, and any agreed-upon time limits - copies provided to the participants;

(c) Final written resolution of counseling, which may include recommendation for revocation, suspension or modification of the individual's certificate.

(3) The approved EMS medical program director may summarily request that the secretary decertify a technician if he has reasonable cause to believe that continued certification will be detrimental to patients' health.

WSR 84-17-036
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2138—Filed August 10, 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 ambulances, amending chapter 248-17 WAC.

This action is taken pursuant to Notice No. WSR 84-11-069 filed with the code reviser on May 22, 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 18.73.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED July 11, 1984.

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

AMENDATORY SECTION (Amending Order 1881, filed 9/21/82)

WAC 248-17-020 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels* and cabin pressurization*; has aboard survival equipment in sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. *Not applicable to rotary winged aircraft.

(2) "Air ambulance service" means a service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

(3) "Ambulance" means ~~((an emergency))~~ a vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

(4) "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient enroute, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

(5) "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

(6) "Emergency medical technician (EMT)" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

(7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program.

(8) "Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program.

(9) "Ambulance driver" means that person who drives an ambulance.

(10) "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

(11) "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

(12) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

(13) "First aid vehicle operator" means a person who owns one or more ~~((firstaid))~~ first aid vehicles and operates them as a private business.

(14) "First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency.

(15) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment and facilities.

(16) "Department" means the department of social and health services.

(17) "Shall" means compliance is mandatory.

(18) "Should" means a suggestion or recommendation, but not a requirement.

(19) "Committee" means the emergency medical services committee.

(20) "Approved emergency medical services (EMS) medical program director" means a doctor of medicine

or osteopathy who has been certified by the department under RCW 18.71.205 and WAC 248-15-020.

(21) "Medical control" means physician responsibility for supervision of EMT training programs, the establishment of field protocols, and the recommendation for certification and decertification of EMTs certified under this chapter.

(22) Medical control as defined above does not include first responders.

(23) "First responder" means a person who has successfully completed a prescribed course of instruction and has been examined and certified by the department.

AMENDATORY SECTION (Amending Order 1752, filed 1/29/82)

WAC 248-17-212 EMERGENCY MEDICAL TECHNICIAN TRAINING—COURSE CONTENT, REGISTRATION, AND INSTRUCTOR QUALIFICATIONS. (1) The National Training Course, Emergency Medical Technician – Ambulance, United States Department of Transportation, National Highway Traffic Administration, shall be used in the course presentation. The course shall consist of a minimum of seventy-one hours classroom didactic and practical instruction and ten hours of hospital observation as described in the national course guide.

(2) (~~Emergency medical technician~~) EMT training courses shall normally be conducted by approved training agencies which have written agreements with the department to provide such training. If the local or regional (~~emergency medical services~~) EMS council recommends another entity to conduct a course in a region, the council shall notify the department of this decision and request approval.

(3) Registration for (~~emergency medical technician~~) EMT training courses shall be submitted to the department at least two weeks prior to the beginning of the course. Registrations shall be completed on the forms supplied by the department. The registration shall consist of a completed registration form, a lesson outline indicating the names of the instructors and a supply requisition form (if course supplies are needed). No course will be certified without an approved registration.

(4) Course instructional and administrative personnel shall consist of:

(a) A course coordinator who shall be responsible for the registration of the course, classroom location, scheduling of instructional personnel, arranging for the ten-hour hospital experience, compliance with contractual conditions and all other administrative matters not involving instruction. The course coordinator need not be a physician or approved lay instructor.

(b) (~~A physician coordinator who shall be a doctor of medicine or osteopathy who has been approved by the department. The physician coordinator~~) The approved EMS medical program director or delegate(s) who shall be responsible for:

(i) Overall supervision of the didactic and practical training aspects of the course;

(ii) The instruction of those lessons requiring a physician and for making arrangements, for guest lecturers as desired;

(iii) For counseling students as needed and to allow only those students who have successfully completed all the requirements of the course to be admitted to the final written and skill examination;

(iv) The final examination of skills of all students enrolled in the class after they complete a final written examination. The (~~physician coordinator~~) approved EMS medical program director shall have the authority to deny certification to a student when, in his(~~her~~) professional judgment, the student is unable to function as an effective EMT irrespective of successful completion of the course.

(c) A senior lay instructor who shall be approved by the (~~physician coordinator~~) EMS medical program director and the department, who is a currently certified (~~emergency medical technician~~) EMT or currently certified in advanced life support skills and who is currently certified as a cardiopulmonary resuscitation instructor by the Washington State Heart Association or the American Red Cross. The senior lay instructor shall:

(i) Assist the (~~physician coordinator~~) EMS medical program director as needed;

(ii) Be responsible for the conduct and scheduling of all nonphysician instructors and evaluators participating in an (~~emergency medical technician~~) EMT training course;

(iii) Maintain all registration and other necessary forms for the enrolled students, including the record of attendance of students and instructors;

(iv) Supervise the distribution of textbooks and other course material to the students;

(v) See that all written examinations are graded, discussed with the (~~physician coordinator~~) EMS medical program director and that graduation lists are forwarded to the department not later than thirty days following completion of a course;

(vi) The senior lay instructor may be the course coordinator.

(d) Other instructional personnel employed in a course of instruction shall consist of:

(i) Adequate numbers of experienced (~~emergency medical technicians~~) EMTs to provide a ratio of one evaluator to six students during practical skills examinations;

(ii) Other qualified individuals such as registered nurses, experts in legal affairs, experts in extrication and driving safety who may act in the capacity of guest lecturers and practical skills evaluators.

(e) Any instruction given in cardiopulmonary resuscitation must be accomplished by an individual who is currently certified as a cardiopulmonary resuscitation instructor by the Washington State Heart Association or the American Red Cross.

(f) Course materials used in the conduct of an (~~emergency medical technician~~) EMT course shall consist of those textbooks, reference materials, visual aids and medical supplies that have been approved by the department.

(g) Testing shall occur periodically throughout the course. There shall be a minimum of a first quarter, mid-term, third quarter and final written examination. The final written examination may be administered

through state testing procedures or through the National Registry of Emergency Medical Technicians (NREMT). If the NREMT examination is used, each student is responsible for the testing fee.

(h) The practical examination shall be administered on examination forms supplied by the department and shall be scored as pass or fail. Percentage points shall not be used. Failure in areas of the practical examination that are designated as life-threatening conditions (~~shaded areas~~) shall be considered as failure of the examination. In situations where regional or county EMS councils employ test teams, such teams shall accomplish the practical testing procedures.

(i) A student who fails the state written and/or the practical examination may be retested within two months of the failure. A second failure shall require a repeat of the course.

(j) Rules governing class attendance shall be at the option of the ~~(physician coordinator)~~ approved EMS medical program director. However, any student missing three sessions (nine hours of instruction) shall be considered to have withdrawn from the course.

AMENDATORY SECTION (Amending Order 1881, filed 9/21/82)

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN—CERTIFICATION AND RECERTIFICATION. (1) Upon successful completion of an ~~(emergency medical technician)~~ EMT course, the department shall certify those eligible graduates who have passed either the state written examination or the ~~(National Registry of Emergency Medical Technicians)~~ NREMT written examination and the state practical examination and who have been recommended for certification by the physician coordinator.

(2) The period of certification shall be ~~(valid)~~ for three years ~~(and shall terminate on the last day of the month on the third anniversary of completion of the course)~~.

(3) Recertification of currently certified ~~(emergency medical technicians)~~ EMT's eligible for such recertification under WAC 248-17-211, shall be accomplished in the following manner:

(a) Completion of a minimum of thirty hours of continuing education during the period of certification consisting of the following mandatory and optional subject matter as indicated and under physician supervision.

(i) Cardiopulmonary resuscitation update of at least one hour per year including both adult and infant manikins using one and two person techniques administered under the supervision of a certified CPR instructor (mandatory).

(ii) Vehicle extrication techniques employing skill knowledge of wrecking tools used in gaining access to victims and use of short and long board extrication. A minimum of one hour per year administered under the supervision of a senior EMT instructor (mandatory).

(iii) Formal inservice training sessions covering basic life support knowledge skills such as bandaging and splinting, emergency child birth, recognition and treatment of shock, cold and heat caused injuries, patient

handling and other basic life support skills using physicians, senior EMT instructors, audio-visual aids or other technical experts. Four hours per year minimum required and verified by a senior EMT instructor (mandatory). Attendance at workshops or seminars approved by the department may satisfy this requirement when authorized by the regional EMS ~~(administrator)~~ coordinator.

(iv) Emergency ambulance/aid car runs involving the application of emergency care techniques may be used for credit at one hour per twenty-five emergency runs not to exceed five total hours during a period of certification when verified by emergency department staff or official run records and used as formal critique (optional).

NOTE: EMT dispatchers, employed by central dispatching centers, may substitute dispatches involving emergency, life-threatening responses when instructions on emergency medical care are given by phone/radio to persons attending the victim.

(v) Hospital emergency department, ICU, CCU or OB delivery room experience may be credited not to exceed two hours per year when verified by hospital or clinic department head (optional).

(vi) Membership in a national EMS organization where such membership includes subscriptions to professional journals and/or newsletters may be used for a maximum of one hour credit per year when proof of membership is verified by a senior EMT instructor (optional).

(vii) Completion of formal courses such as dispatcher training, extrication training, emergency vehicle defensive driving, EMT/defibrillation, inflatable trousers or other EMS-related topics. Five hours total per period of certification. Verified by course instructor (optional).

NOTE: It is recommended that a minimum of ten hours of continuing education be accomplished annually. Failure to complete thirty hours of continuing education during a period of certification shall result in termination of certification.

(b) Pass the state written and practical examination and being recommended for recertification by the ~~(physician coordinator)~~ approved EMS medical program director.

NOTE: Currently certified senior EMT instructors who have fulfilled the provisions of the senior EMT instructor agreement may recertify by passing the written recertification examination and by being recommended by the ~~(physician coordinator)~~ approved EMS medical program director.

(4) Certification by the department as an EMT does not warrant future performance of the individuals certified. It will indicate that the cognitive and performance capabilities met the requirements for certification established for the course at the time testing was performed.

AMENDATORY SECTION (Amending Order 1752, filed 1/29/82)

WAC 248-17-214 EMERGENCY MEDICAL TECHNICIAN—RECIPROCITY AND CHALLENGES. (1) Reciprocity as a Washington state ((~~emergency medical technician~~)) EMT may be granted to a currently certified EMT from another state or territory if the applicant has proof of completion of the department of transportation's eighty-one hour ((~~emergency medical technician~~)) EMT course.

(2) An individual certified by the National Registry of Emergency Medical Technicians (or other similar national certifying agency) may be considered for reciprocity only under the following conditions:

(a) The applicant must have completed the minimum of an eighty-one hour department of transportation ((~~emergency medical technical~~)) EMT course (equivalent training for certification is not acceptable);

(b) The category of the national certification must be "EMT-Ambulance";

(c) The candidate must be fully certified – provisional certification is not acceptable;

(d) The former state of the individual must accept the national certification or must require both state and national certification.

(3) Certification by reciprocity shall be based on need and shall be for the duration of the former state's certification but in no case will exceed two year's duration.

(4) An individual who wishes to challenge the ((~~emergency medical technician~~)) EMT examination must meet the following conditions of eligibility:

(a) There must be proof of need for certification as specified by WAC 248-17-211;

(b) The candidate must show the testing agency proof of equivalent training and/or experience, including the ten-hour hospital experience required for initial certification.

(5) Reinstatements are recertifications for individuals who have let their certifications lapse before applying for such recertification. Reinstatements may be accomplished in the following manner:

(a) An individual whose expiration of certification is less than one year old may, at the option of the ((~~physician coordinator~~)) approved EMS medical program director, be allowed to credit prior continuing education and take the practical and written recertification examinations;

(b) An individual whose expiration of certification is more than one year old at the time of application, must retake the basic minimum eighty-one hour course as described in WAC 248-17-212.

AMENDATORY SECTION (Amending Order 1881, filed 9/21/82)

WAC 248-17-220 REVOCATION, SUSPENSION OR MODIFICATION OF CERTIFICATE. (1) Grounds for denial, revocation, or suspension of an ((~~emergency medical technician~~)) EMT certificate include but are not limited to proof that such ((~~emergency medical technician~~)) EMT:

(a) Has been guilty of misrepresentation in obtaining the certificate;

(b) Has engaged or attempted to engage in, or represented himself as entitled to perform, any service not authorized by the certificate;

(c) Has demonstrated incompetence or has shown himself otherwise unable to provide adequate service;

(d) Has violated or aided and abetted in the violation of any provision of chapter 18.73 RCW or the rules and regulations promulgated thereunder;

(e) Has demonstrated unprofessional conduct in the course of providing services; ((~~or~~))

(f) ((~~Has failed to complete a minimum of six hours of mandatory continuing education in a calendar year as described in WAC 248-17-213(3), or failed to complete thirty hours of continuing education in a three-year period of certification.~~)) Has violated written patient care protocols which have been adopted by the approved EMS medical program director or delegate(s) and which have been acknowledged in writing by the certified individual;

(g) Has failed to maintain skills.

(2) The approved EMS medical program director may initiate a counseling procedure with a certified individual which may lead to a recommendation for revocation, suspension, or modification of certification. The counseling procedure, if initiated, shall include the following minimum standards:

(a) Oral counseling with the certified individual and his employer or delegate. Written documentation stating the reason(s) and results of the oral counseling shall be provided to participants;

(b) Written counseling with the certified individual and the employer or delegate, stating the reason(s) for counseling, the expectations for corrective action, and any agreed upon time limits – copies provided to the participants;

(c) Final written resolution of counseling, which may include recommendation for revocation, suspension or modification of the individual's certificate.

(3) The approved EMS medical program director may summarily request that the department decertify an EMT if he has reasonable cause to believe that continued certification will be detrimental to patient care.

NEW SECTION

WAC 248-17-250 FIRST RESPONDER QUALIFICATIONS AND TRAINING. (1) Applicants for training as first responders shall meet the following prerequisites:

(a) Be at least sixteen years of age at the beginning of the course enrollment;

(b) Be affiliated with one of the following entities:

(i) Paid or volunteer fire fighters or first aid providers of medical services to the general public, but do not attend the patients in a transport vehicle;

(ii) Municipal, county, or state law enforcement officers;

(iii) Members of organizations that do not actively participate in emergency medical care on a continuous

basis but require training because of employment or volunteer services in areas of seasonal high density population, such as members of ski patrols, park rangers, and search and rescue personnel;

(iv) School bus drivers, highway and postal employees, and other public service employees.

(2) Approved training agencies shall accomplish the screening of students and shall have the authority to approve or deny applicants for training. First priority should be given to fire fighters and law enforcement agencies.

(3) Waivers for enrollment in the course may be recommended to the department by the approved training agencies; or

(4) In counties where emergency medical services training responsibilities are established by county ordinances, the agency named in the ordinance shall have the same authority as approved training agencies.

NEW SECTION

WAC 248-17-255 FIRST RESPONDER TRAINING COURSE CONTENTS, REGISTRATION AND INSTRUCTOR QUALIFICATION. The current National Training Course, First Responder Training Course, United States Department of Transportation, National Highway Traffic Safety Administration (or equivalent course) shall be the accepted training course.

(1) First responder training courses shall be conducted by approved organizations who have written agreements with the department.

(2) The department will provide a procedures and guidelines package with all the administrative forms and information necessary to conduct an approved course.

(a) The function and responsibilities of the course instructional personnel will be identified in the course procedures and guidelines.

(b) Written and practical skills examination forms will be provided by the department.

NEW SECTION

WAC 248-17-260 FIRST RESPONDER, CERTIFICATION AND RECERTIFICATION. (1) The department shall certify eligible graduates for a period of three years.

(2) Recertification of eligible first responders shall be for three years providing that:

(a) The applicants have completed a minimum of fifteen hours of approved continuing education identified in the procedures and guidelines; and

(b) The applicant shall successfully complete required written and practical examinations.

(3) A currently certified EMT whose duties no longer require EMT level of skill or who is not required to be in attendance to a patient during transport, may request reversion of the EMT certificate to that of first responder. In such case, the request shall be in writing and shall be accompanied by proof of required continuing education and the EMT certification card, which is being relinquished. A first responder certification will then be

issued with the expiration date of the relinquished EMT certification.

NEW SECTION

WAC 248-17-265 FIRST RESPONDER—RECIPROCALITY, CHALLENGES AND REINSTATEMENT. (1) Reciprocal certification may be granted to an individual certified from another state. The individual must be eligible as specified in the procedures and guidelines, and successfully complete the final written examination.

(2) Requirements for reinstatements for an individual whose certification has expired will be identified in the course procedures and guidelines.

(3) State agencies utilizing training programs equivalent to the department's standards and policies may be awarded reciprocal certification.

NEW SECTION

WAC 248-17-270 FIRST RESPONDER—SCOPE OF CARE AUTHORIZED, PROHIBITED. A certified first responder shall be authorized to provide only those services contained in the curriculum of the course.

NEW SECTION

WAC 248-17-275 FIRST RESPONDER—REVOCATION OR SUSPENSION OF CERTIFICATE. Grounds for revocation or suspension of a first responder certificate include, but are not limited to, proof that such first responder:

(1) Has been guilty of misrepresentation in obtaining the certificate;

(2) Has engaged or attempted to engage in, or represented himself as entitled to perform any service not authorized by the certificate;

(3) Has demonstrated incompetence or has shown himself otherwise unable to provide adequate services;

(4) Has violated or aided and abetted in the violation of any provision of chapter 18.73 RCW or the rules and regulations promulgated thereunder;

(5) Has demonstrated unprofessional conduct in the course of providing services; or

(6) Has failed to complete fifteen hours of continuing education during a three-year period of certification as specified in procedures and guidelines.

(7) No certificate issued pursuant to this chapter shall be revoked or suspended without formal written notification to the holder of the certificate from the department in accordance with the requirements of the Administrative Procedure Act, chapter 34.04 RCW and the rules of practice and procedure issued by the department. Written notification shall state the reason for the revocation or suspension and shall advise the respondent of the right to appeal.

WSR 84-17-037
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 84-20]

**STATE ADMINISTRATION OF INDUSTRIAL
 REVENUE BOND CEILING CONTROL**

WHEREAS, the Congress of the United States has enacted The Deficit Reduction Act of 1984 (the "Act"), which Act inter alia imposes an annual state-by-state ceiling (the "State Ceiling") on the issuance of certain industrial development bonds and student loan bonds ("Private Activity Bonds") which State Ceiling is equal to the greater of (a) \$200 million; or (b) an amount equal to \$150 multiplied by the state's population; and

WHEREAS, Section 621 of the Act adds a new subsection (n) to Section 103 of the Internal Revenue Code to set forth a method of allocating the State Ceiling within each state for all governmental units in the state having authority to issue Private Activity Bonds ("Issuers") unless the state provides by law a different formula of allocation; and

WHEREAS, the method of allocation of the State Ceiling set forth in the Act may restrain the issuance of Private Activity Bonds for qualified industrial development facilities and other eligible uses; and

WHEREAS, under the Act the Governor of a state, by proclamation, may provide a different formula for allocating the State Ceiling among all Issuers as interim authority pending the enactment of state law with respect to the State Ceiling; and

WHEREAS, it appears that, at the present time, the State Ceiling allocable to the State of Washington shall be more than sufficient to permit the issuance of all qualified Private Activity Bonds which may be sold prior to the enactment of such state legislation; and

WHEREAS, it is in the best interest of the welfare of the residents of the state of Washington to promote industrial and economic development and encourage private investment in our state's economy, while preserving the ability of local governmental units to finance public improvements which are owned, operated, and controlled by public entities;

NOW, THEREFORE, I, John Spellman, Governor of the state of Washington, do hereby order:

Section 1. From and after December 31, 1983, when Section 621 of the Act relating to the State Ceiling took effect retroactively, the State Ceiling for the State of Washington shall be allocated to each Issuer in the order of the date of filing with the Department of Commerce and Economic Development (the "Department") of a purchase agreement or similar binding commitment for

the purchase of such Private Activity Bonds (a "Purchase Agreement"). Each Issuer for such Bonds shall accomplish such filing by submitting to the Department a photocopy of the signed Purchase Agreement, along with a Notification Form as provided by the Department. If the Closing Certification Form is not filed within 90 days of the filing of the signed Purchase Agreement, the Purchase Agreement must be refiled, and the effective date of filing for purposes of allocation of the State Ceiling will be the date the Purchase Agreement was refiled. In the event that the amount of Bonds issued at time of closing is different than the amount contemplated by the Purchase Agreement, the allocation received by the Issuer shall be adjusted to the amount actually sold at closing.

Section 2. The allocation formula provided in Section 1 of this Executive Order shall be effective until the earlier of (a) the effective date of legislation enacted by the state which provides for a different formula for allocating the State Ceiling among Issuers in the State of Washington; or (b) Federal law or Federal regulations require the use of a different formula; or (c) this Executive Order is rescinded and a different formula is provided by further Executive Order of the Governor or by the operation of Federal law.

Section 3. The allocation formula provided in Section 1 of this Executive Order shall be reviewed when and if the total amount of Private Activity Bonds for which notifications have been filed with the Department exceeds three hundred fifty million dollars (\$350,000,000) in any calendar year, in which event a different formula may be provided to preserve the ability of governmental units to finance public improvements owned, operated, and controlled by public entities.

Section 4. This Executive Order shall constitute a proclamation, as that term is used in Section 621 of the Act relating to the State Ceiling.

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
 8th day of August, A.D.,
 nineteen hundred and
 eighty-four.

John Spellman

 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

 Secretary of State

WSR 84-17-038
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 423—Filed August 10, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the southwest area.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to continued dry weather and the forecasted weather conditions in shutdown zones 660 and 621 east, in the southwest area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 10, 1984.

By Brian J. Boyle
 Commissioner of Public Lands

AMENDATORY SECTION (*Amending Emergency Order 422, filed 8/7/84*)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTHWEST AREA. *Department of Natural Resources Shutdown Zones affected by this restriction are zones 660, in parts of Skamania and eastern Lewis, Clark, and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Southwest Area.*

Effective midnight ((~~Tuesday~~)) Friday, August ((7)) 10, 1984 through midnight ((~~Friday~~)) Monday, August ((+0)) 13, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day of the shutdown period.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in Shutdown Zones 660 and 621 East, located in the Southwest Area, during the period midnight ((~~Tuesday~~))

Friday, August ((7)) 10, 1984 through midnight ((~~Friday~~)) Monday, August ((+0)) 13, 1984.

WSR 84-17-039
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
 [Memorandum—August 9, 1984]

The State Hospital Commission will hold a special meeting in the Seattle Room at the Vance Airport Inn on Monday, August 20, 1984, from 9:30 a.m. to 2:30 p.m.

Although this will be a public meeting and all interested parties are invited to attend, no public testimony will be taken.

WSR 84-17-040
PROPOSED RULES
EASTERN WASHINGTON UNIVERSITY
 [Filed August 10, 1984]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Eastern Washington University intends to adopt, amend, or repeal rules concerning:

Amd WAC 172-114-040 Vacancies—Council.
 Amd WAC 172-114-050 Elections/schedule, polling places;

that the institution will at 10:00 a.m., Thursday, September 27, 1984, in the Council Chambers, Pence Union Building, EWU, Cheney, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.35.120.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 27, 1984. (Business and Finance, Attn: Judy Samples)

Dated: August 8, 1984

By: Nancy Sharp
 Secretary to President
 for Bert Shaber
 Chairman, Board of Trustees

STATEMENT OF PURPOSE

Title: Amends WAC 172-114-040 and 172-114-050.
 Description of Purpose: To amend existing ASEWU (Associated Students Eastern Washington University) council vacancy provisions to provide authority to temporary appointee until the position is filled by regularly scheduled election and to change election schedules and additional polling places which will allow more time to generate publicity at elections and convenience of voting.

Statutory Authority: RCW 28B.35.120, et seq.

Summary of Rule Changes: See information above.

Reasons Supporting Proposed Rule Changes: Compliance with state rules and regulations.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Russ Hartman, Vice President, Business and Finance, 206 Showalter Hall, Eastern Washington University, Cheney, WA 99004, Phone: (509) 359-2421.

Comments: None.

Small Business Impact: None.

AMENDATORY SECTION (Amending Order 82-03, filed 10/21/82)

WAC 172-114-040 ARTICLE III—COUNCIL. (1) The legislative powers of the ASEWU shall be vested in the ASEWU council and may not be transferred.

(2) Membership. The members of the ASEWU council shall consist of nine at-large council members, the ASEWU president, the ASEWU executive vice president, and the ASEWU finance vice president. The voting membership of the ASEWU council shall consist of the executive vice president and nine council members, elected by numbered, at-large positions for one year. The council members shall take office on the last day of the quarter in which they are elected, as follows:

Positions 1 through 3 elected fall quarter, positions 4 through 6 elected winter quarter, positions 7 through 9 elected spring quarter. No person shall hold more than one elected position on the council. The ASEWU president and ASEWU finance vice president shall have all council membership rights excluding voting.

(3) Meetings. The ASEWU council shall meet not less than four times during each quarter (excluding summer quarter), and special meetings may be called by the ASEWU executive vice president, by one-third of the council members, or by a presentation of a petition to the ASEWU council signed by five percent of the ASEWU. All meetings shall be open to the public. A record shall be kept of the votes taken therein, and copies of the minutes shall be available to any member of the university community upon request.

(a) Quorum. The ASEWU council meetings shall have quorum being a majority of the ASEWU council members.

(b) Proxy voting. There shall be no proxy voting.

(4) Legislation. All legislation shall include: The names of the sponsor(s); date of introduction; committee referred to, if any, disposition and date of disposition; signature of the ASEWU executive vice president and the ASEWU president, or override of his/her veto by the ASEWU council; and shall continue in effect until five years from the last date of signature, an override, or until rescinded.

(5) Council powers and duties. The ASEWU council shall have the following policies and duties:

(a) The ASEWU council shall enforce this constitution.

(b) The ASEWU council shall serve as the official representative of ASEWU.

(c) The ASEWU council shall enact all legislation necessary to ensure that its policies are enforced.

(d) The budgeting authority of the ASEWU shall be vested in the ASEWU council and may not be transferred.

(i) The budget shall include all funds, revenues, and reserves; shall be divided into programs, subprograms, and objects of expense and shall include supporting data; shall indicate as to each program, subprogram, or object of expense the actual expenditures of the preceding year; and shall include any proposed capital improvement program for the next six fiscal years.

(ii) Regular budgets shall be those budgets adopted during spring quarter for the following fiscal year. Supplemental budgets shall be all other budget requests made throughout the year. Copies of the budgets shall be delivered to each member of the ASEWU council and be available to any member of the university community upon request.

(iii) Unless otherwise provided by the appropriation legislation, all unexpended and unencumbered appropriations in the current expense appropriation legislation shall lapse at the end of the fiscal year. An appropriation in the capital budget appropriation legislation shall lapse when the project has been completed or abandoned or when no expenditure or encumbrance has been made for three years.

(iv) Any expenditure in excess of an appropriation shall be null and void; and any official, agent, or employee knowingly responsible shall be personally liable to anyone damaged by this action; providing the ASEWU council may permit the ASEWU to enter into contracts requiring the payment of funds from appropriation of subsequent fiscal years.

(v) The ASEWU council shall publish an annual financial statement summarizing the regular ASEWU budget.

(vi) The ASEWU council may request an annual audit, provided it budgets for the same.

(e) By a two-thirds vote of the ASEWU council, the ASEWU council may override a veto by the ASEWU president.

(f) The ASEWU council shall be responsible for its own organization in the establishment and election of subcommittees and their membership. No ASEWU council subcommittee, having legislation referred to it, shall have the authority to delay presentation to the full council for more than two meetings without the permission of the sponsor.

(g) The ASEWU council shall be responsible for the employment of those employees it deems necessary to assist the council in the exercise of their council duties and powers, provided it budgets for the same. The appointment for such employment, presented by the ASEWU executive vice president, shall receive the advice and consent of the ASEWU council.

(h) Committees. The ASEWU council shall be responsible for student representation on all university committees, councils of the academic senate and their subcommittees, and ASEWU committees.

(i) Appointment to such committees, presented by the ASEWU president, shall receive the advice and consent of the ASEWU council.

(ii) Students appointed to these committees shall serve at the discretion of the ASEWU council.

(iii) All student appointments to these committees shall serve one year terms, beginning on the date of confirmation of the appointment and shall terminate one year after that appointment, unless otherwise specified in the committee structure.

(iv) Committees or committee chairpersons shall submit to the ASEWU a copy of all agendas and minutes.

(v) The ASEWU council shall publish the ASEWU committee manual stating the membership, eligibility, purpose, and duties of all committees with student representation.

(i) Election returns. The ASEWU council shall be the judge of all the ASEWU election returns and of the qualifications of its membership as prescribed in article IV of this constitution.

(j) ASEWU council positions shall be declared vacant:

(i) When ASEWU council members miss three full, regularly scheduled, consecutive meetings, or four regularly scheduled meetings during a quarter.

(ii) When ASEWU council members violate academic qualifications as described in article IV of this constitution.

(iii) Upon the incumbent's death, resignation, recall, or withdrawal from membership in ASEWU (excluding summer quarter).

(iv) By declaration of nonperformance of duties stated in this constitution by the ASEWU superior court.

(k) Chairperson pro tem. The ASEWU council shall elect an ASEWU at-large council member to the position of chairperson pro tem the second meeting of fall, winter, and spring quarters, who shall serve one quarter (excluding summer quarter). Vacancies occurring in the chairperson pro tem's office shall be filled in the same manner for the balance of the unexpired term.

(6) ASEWU president. The ASEWU president, serving as an ASEWU council member, shall act as the chief officer and representative spokesperson on behalf of the ASEWU council.

(a) The ASEWU president shall be responsible for executing council and judicial decisions.

(b) The ASEWU president may veto any legislative bill or supplemental budget passed by the ASEWU council within three working days of passage, shall sign all legislation within three working days of passage, or override of veto by the ASEWU council.

(c) The ASEWU president may create cabinet positions and appoint cabinet officers with the advice and consent of the ASEWU council, who shall serve at his/her discretion, provided it budgets for the same.

(d) The ASEWU president shall make appointments in an expeditious manner, with the advice and consent of the ASEWU council.

(e) The ASEWU president shall hold twice-a-month staff meetings with the ASEWU executive vice president, ASEWU finance vice president, provost for student service, ASEWU business manager, and coordinator of student activities.

(f) The ASEWU president or his/her designee shall supervise all ASEWU elections and shall be responsible for validating all positions.

(7) ASEWU executive vice president. The ASEWU executive vice president shall chair the ASEWU council, as a voting member.

(a) The ASEWU executive vice president shall assume other duties delegated by the ASEWU president.

(b) The ASEWU executive vice president shall prepare the agenda for and chair all meetings of the ASEWU council; shall call meetings of the ASEWU council; shall prepare a schedule of all regular meetings for fall, winter, and spring quarters with the advice and consent of the ASEWU council.

(c) The ASEWU executive vice president shall appoint a clerk, with the advice and consent of the ASEWU council.

(d) The ASEWU executive vice president shall be responsible for all administrative matters of the ASEWU council.

(e) The ASEWU executive vice president shall assume the duties of the ASEWU president during the president's absence or disability.

(8) ASEWU finance vice president. The ASEWU finance vice president shall be member of the ASEWU council.

(a) ASEWU finance vice president shall be responsible for the management of all ASEWU moneys and properties.

(b) ASEWU finance vice president shall supervise all expenditures of ASEWU funds.

(c) ASEWU finance vice president shall be a voting member and chair the finance subcommittee of the ASEWU council.

(d) ASEWU finance vice president shall present to the council a published financial statement each month summarizing ASEWU funds for that month.

(e) ASEWU finance vice president shall publish an annual budget book summarizing the upcoming year's budget requests and recommendations as well as budget requests and the budgeted amounts for the past five years.

(f) ASEWU finance vice president shall assume other duties delegated by the ASEWU president.

(9) Salaries. Elected and appointed members of the ASEWU shall be paid on the following basis.

(a) The ASEWU president shall receive a quarterly (12 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and four hundred dollars.

(b) The ASEWU executive vice president and the ASEWU finance vice president shall receive a quarterly (9 month) salary based upon the quarterly cost of in-state tuition, double occupancy room and board, and two hundred and fifty dollars.

(c) ASEWU cabinet members shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU executive vice president or the ASEWU finance vice president.

(d) The ASEWU council clerk and other ASEWU council employees shall receive a quarterly (9 month) salary not to exceed two-thirds of that of the ASEWU executive vice president or the ASEWU finance vice president.

(e) The ASEWU at-large council members may receive a quarterly salary not to exceed the in-state tuition rate, provided it budgets for the same.

(10) Vacancies.

(a) The positions of ASEWU council members, ASEWU president, ASEWU executive vice president, ASEWU finance vice president shall become vacant upon the incumbent's death, resignation, recall, withdrawal from membership in ASEWU (excluding summer quarter for the ASEWU executive vice president, ASEWU finance vice president, and ASEWU council members), or declaration of nonperformance of duties stated in this constitution by the ASEWU superior court.

(b) In the case of a vacancy in the office of the ASEWU president, the ASEWU executive vice president shall assume the office of the ASEWU president to serve with full authority and power for the remainder of the unexpired term.

(c) In the case of a vacancy in the office of the ASEWU executive vice president, the council pro tem shall assume the office of the ASEWU executive vice president to serve with full authority and power for the remainder of the unexpired term.

(d) In the case of a vacancy in office of the ASEWU finance vice president, the ASEWU president shall appoint, with the advice and consent of the ASEWU council, an ASEWU member to assume the office of ASEWU finance vice president to serve with full authority and power until the next regularly scheduled election, at which time a member of ASEWU shall be elected to serve the balance of the term.

(e) In the case of a vacancy of a council position, the ASEWU president may recommend a member of ASEWU to fill the vacant position with a 3/4 (three-fourths) vote approval by the ASEWU council. The appointee shall take office immediately upon approval of the ASEWU council, and serve (until the regularly scheduled election) with full authority and power until the next regularly scheduled election, at which time a member of ASEWU shall be elected to serve the balance of the term.

(11) Terms.

(a) The terms of the ASEWU president and the ASEWU executive vice president shall be for one year and shall be elected winter quarter and take office the last day of winter quarter.

(b) The term of the ASEWU finance vice president shall be for one academic year and one quarter (excluding summer quarter), taking office the last day of winter quarter to the last day of spring quarter. During the overlapping terms of the outgoing and incoming of the ASEWU finance vice president, it shall be the duty of the incumbent ASEWU finance vice president to prepare and present a proposed budget for ASEWU to the ASEWU council. The incoming ASEWU finance vice president shall have no authority or power to execute transactions during this overlapping period. It shall be the duty of the incumbent ASEWU financial vice president to serve as chair of the finance subcommittee of the ASEWU council. The incoming ASEWU finance vice president shall serve as a member of the ASEWU council and the finance subcommittee of the ASEWU council.

AMENDATORY SECTION (Amending Order 12-18-80, filed 1/9/81)

WAC 172-114-050 ARTICLE IV—ELECTIONS. (1) Election schedule. Filing shall open on the ~~((fifth))~~ fourth Thursday of fall, winter, and spring quarters. Filing shall close on the ~~((sixth))~~ fifth Thursday, the ASEWU primary election shall be on the seventh Thursday, and the ASEWU general election on the eighth Thursday.

(2) Qualifications for office.

(a) All candidates for and members of the ASEWU council shall have/maintain a two point cumulative grade point average at the university and be enrolled for, and complete, six credit hours the previous quarter (excluding summer quarter).

(b) Candidates for ASEWU council at-large positions shall have at least one quarter in residence at the university immediately prior to election of office.

(c) Candidates for ASEWU president, executive vice president, and finance vice president shall have a minimum of three quarters as a full-time student at a higher education institution, at least one of which shall be in residence at the university immediately prior to election of office.

(3) Filing.

(a) Those candidates filing for office, and are qualified at such time, shall have their names entered on the primary election ballot.

(b) A random selection drawing will determine the order of candidate placement on the ballot.

(4) Polling places.

(a) The polls shall be located at:

(i) Pence Union Building.

(ii) Tawanka Commons.

(iii) And as otherwise provided by the ASEWU council.

(b) The polls shall be open in the Pence Union Building and Tawanka from 7:30 a.m. until 7:00 p.m. ~~((and))~~ The opening and closing hours of any additional polls designated by the ASEWU council, shall be such that the polls can be open no earlier than 7:30 a.m. and close no later than 7:00 p.m. Members of ASEWU shall be allowed to vote upon presentation of suitable identification.

(c) Two election clerks shall be assigned to each polling place, and they shall be solely responsible for supervising the ballots, ballot boxes, and voting at the polling places. They may not be, or related to, a candidate. They shall be employed through the office of the ASEWU president.

(d) Any member of ASEWU may present an "Application of absent voter" form to the office of the ASEWU president.

(5) Votes cast.

(a) All votes shall be cast by secret ballot.

(b) All ballots shall be kept under lock and key for six months after the election.

(c) All members of ASEWU shall be allowed to vote once in an election.

(6) Interpretation of results.

(a) A candidate is elected to office when receiving a plurality of votes cast, that being at least forty percent.

(b) The two candidates receiving the highest number of votes for each office in the primary, who are qualified, shall have their names entered on the final election ballot: PROVIDED, HOWEVER, That in case of a tie for the second highest number of votes for that office, who are qualified, shall have their names entered on the final election ballot.

Write-in candidates shall have the option of removing their names from the ballot.

(c) Should no candidate receive a plurality of at least forty percent in the final election, a run-off election shall be held one week after the final election between the two persons receiving the highest number of votes in the final election, who are qualified, and only ballots for those two persons shall be counted: PROVIDED, HOWEVER, That in case of a tie for the second highest number of votes in the final election, the run-off election shall be between those candidates receiving the highest number of votes for the office, and only ballots for those candidates shall be counted.

(d) Should no candidate receive a plurality of at least forty percent in a run-off election, the ASEWU council shall select the winner from between those entered on the run-off election ballot, by a two-thirds majority of the council members at its next meeting.

WSR 84-17-041
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Filed August 10, 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 356-15-060 Shift differential provisions and compensation.
- Amd WAC 356-18-140 Leave without pay.
- Amd WAC 356-26-060 Certification—General methods;

that the agency will at 10:00 a.m., Thursday, September 13, 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 September 11, 1984.

This notice is connected to and continues the matter in Notice Nos. WSR 84-14-080, 84-14-081 and 84-15-037 filed with the code reviser's office on July 3, 1984, and July 13, 1984.

Dated: August 9, 1984
 By: Leonard Nord
 Secretary

WSR 84-17-042
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
 [Order 209—Filed August 10, 1984]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98504, that it does adopt the annexed rules relating to:

- New WAC 356-05-001 Chapter purpose.
- New WAC 356-05-005 Acting appointment.

- New WAC 356-05-010 Administrative personnel.
- New WAC 356-05-015 Agency.
- New WAC 356-05-020 Agricultural personnel.
- New WAC 356-05-025 Allied register.
- New WAC 356-05-030 Allocation.
- New WAC 356-05-035 Anniversary date.
- New WAC 356-05-040 Appointing authority.
- New WAC 356-05-045 Bargaining unit.
- New WAC 356-05-050 Basic salary range.
- New WAC 356-05-055 Board.
- New WAC 356-05-060 Bumping.
- New WAC 356-05-065 Career planning.
- New WAC 356-05-070 Certification.
- New WAC 356-05-075 Class.
- New WAC 356-05-080 Classified service.
- New WAC 356-05-085 Collective bargaining or collective negotiation.
- New WAC 356-05-090 Compensatory time.
- New WAC 356-05-095 Competitive service.
- New WAC 356-05-100 Date of election.
- New WAC 356-05-105 Demotion.
- New WAC 356-05-110 Desirable qualifications.
- New WAC 356-05-115 Director.
- New WAC 356-05-120 Disability.
- New WAC 356-05-125 Dismissal.
- New WAC 356-05-130 Education leave of absence.
- New WAC 356-05-135 Elevation.
- New WAC 356-05-140 Eligible.
- New WAC 356-05-145 Emergency appointment.
- New WAC 356-05-150 Employee.
- New WAC 356-05-155 Employee organization.
- New WAC 356-05-160 Exchange time.
- New WAC 356-05-165 Executive personnel.
- New WAC 356-05-170 Exempt position.
- New WAC 356-05-175 Full time employment.
- New WAC 356-05-180 Handicapped.
- New WAC 356-05-185 Holidays.
- New WAC 356-05-190 Housed personnel.
- New WAC 356-05-195 Human resource development.
- New WAC 356-05-200 Intermittent employment.
- New WAC 356-05-205 Intervening salary steps.
- New WAC 356-05-210 Law enforcement personnel.
- New WAC 356-05-213 Management employee.
- New WAC 356-05-215 Minimum qualifications.
- New WAC 356-05-220 Noncompetitive positions.
- New WAC 356-05-222 Nonmanagement employee.
- New WAC 356-05-225 Orientation.
- New WAC 356-05-230 Overtime.
- New WAC 356-05-235 Part time employment.
- New WAC 356-05-240 Periodic increment date.
- New WAC 356-05-245 Permanent employee.
- New WAC 356-05-250 Personnel record.
- New WAC 356-05-300 Position.
- New WAC 356-05-305 Premium payment.
- New WAC 356-05-310 Probationary period.
- New WAC 356-05-315 Probationary personnel.
- New WAC 356-05-320 Project employment.
- New WAC 356-05-325 Promotion.
- New WAC 356-05-330 Provisional appointment.
- New WAC 356-05-335 Reduction-in-force.
- New WAC 356-05-340 Reduction.
- New WAC 356-05-345 Reemployment.
- New WAC 356-05-350 Register.
- New WAC 356-05-355 Reinstatement.
- New WAC 356-05-360 Resignation.
- New WAC 356-05-365 Reversion.
- New WAC 356-05-370 Salary range.
- New WAC 356-05-375 Scheduling plan.
- New WAC 356-05-380 Seasonal career employees.
- New WAC 356-05-385 Seasonal career employment.
- New WAC 356-05-387 Seasonal career positions.
- New WAC 356-05-390 Seniority.
- New WAC 356-05-395 Series.
- New WAC 356-05-400 Supervisor.
- New WAC 356-05-405 Suspension.
- New WAC 356-05-410 Tandem employment.
- New WAC 356-05-415 Temporary employment.

New	WAC 356-05-420	Termination.
New	WAC 356-05-425	Training.
New	WAC 356-05-430	Transfer.
New	WAC 356-05-435	Trial service period.
New	WAC 356-05-440	Tuition reimbursement.
New	WAC 356-05-445	Underfill.
New	WAC 356-05-450	Union shop.
New	WAC 356-05-455	Union shop fee.
New	WAC 356-05-460	Union shop representative.
New	WAC 356-05-465	Veteran.
New	WAC 356-05-470	Veteran's widow.
New	WAC 356-05-475	Volunteer experience.
New	WAC 356-05-480	Work day.
New	WAC 356-05-485	Work period designation.
New	WAC 356-05-490	Work schedule.
New	WAC 356-05-495	Workshift.
New	WAC 356-05-500	Workweek.
New	WAC 356-05-505	Y-rate.
Rep	WAC 356-06-010	Definitions.
Amd*	WAC 356-06-020	Exemptions—Exceptions.
Amd	WAC 356-10-040	((Positions—Downward or lateral reallocation—Employees)) <u>Employee appointment status—Downward reallocation.</u>
New	WAC 356-10-045	Employee appointment status—Lateral reallocation.
Amd	WAC 356-10-050	((Positions—Reallocation upward—Incumbents)) <u>Employee appointment status—Upward reallocation.</u>
Amd*	WAC 356-14-110	<u>Salary—Nonmanagement employees—Periodic increment dates—Original—Subsequent.</u>
Amd*	WAC 356-14-120	<u>Salary—Nonmanagement employee—Periodic increment date—Promotion.</u>
New*	WAC 356-14-125	Salary reviews—Management employees.
Amd*	WAC 356-14-130	Salary—Concurrence of probation, trial service, and periodic increment date <u>or salary review date.</u>
Amd*	WAC 356-30-300	<u>Performance evaluation—Nonmanagement employees—Requirements—Monitoring.</u>
New*	WAC 356-30-302	Performance evaluation—Management employees—Requirements—Monitoring.
Amd	WAC 356-30-330	Reduction in force—Reasons, regulations—Procedure.
Amd*	WAC 356-46-060	Agencies—Personnel records.

Chapter 356-05 WAC
DEFINITIONS

WAC	356-05-001	Chapter purpose.
	356-05-005	Acting appointment.
	356-05-010	Administrative personnel.
	356-05-015	Agency.
	356-05-020	Agricultural personnel.
	356-05-025	Allied register.
	356-05-030	Allocation.
	356-05-035	Anniversary date.
	356-05-040	Appointing authority.
	356-05-045	Bargaining unit.
	356-05-050	Basic salary range.
	356-05-055	Board.
	356-05-060	Bumping.
	356-05-065	Career planning.
	356-05-070	Certification.
	356-05-075	Class.
	356-05-080	Classified service.
	356-05-085	Collective bargaining or collective negotiation.
	356-05-090	Compensatory time.
	356-05-095	Competitive service.
	356-05-100	Date of election.
	356-05-105	Demotion.
	356-05-110	Desirable qualifications.
	356-05-115	Director.
	356-05-120	Disability.
	356-05-125	Dismissal.
	356-05-130	Education leave of absence.
	356-05-135	Elevation.
	356-05-140	Eligible.
	356-05-145	Emergency appointment.
	356-05-150	Employee.
	356-05-155	Employee organization.
	356-05-160	Exchange time.
	356-05-165	Executive personnel.
	356-05-170	Exempt position.
	356-05-175	Full time employment.
	356-05-180	Handicapped.
	356-05-185	Holidays.
	356-05-190	Housed personnel.
	356-05-195	Human resource development.
	356-05-200	Intermittent employment.
	356-05-205	Intervening salary steps.
	356-05-210	Law enforcement personnel.
	356-05-213	Management employee.
	356-05-215	Minimum qualifications.
	356-05-220	Noncompetitive positions.
	356-05-222	Nonmanagement employee.
	356-05-225	Orientation.
	356-05-230	Overtime.
	356-05-235	Part time employment.
	356-05-240	Periodic increment date.
	356-05-245	Permanent employee.
	356-05-250	Personnel record.
	356-05-300	Position.
	356-05-305	Premium payment.
	356-05-310	Probationary period.
	356-05-315	Professional personnel.

This action is taken pursuant to Notice Nos. WSR 84-14-081, 84-14-082 and 84-15-037 filed with the code reviser on July 3, 1984, and July 13, 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 41.06.150, *41.06.169, 41.06.175, 41.06.185, 41.06.195 and 41.06.205 which directs that the State Personnel Board has authority to implement the provisions of Substitute House Bill 1226 and Supreme Court Decision No. 48914-9.

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

APPROVED AND ADOPTED August 9, 1984.

By Leonard Nord
Secretary

356-05-320	Project employment.
356-05-325	Promotion.
356-05-330	Provisional appointment.
356-05-335	Reduction-in-force.
356-05-340	Reduction.
356-05-345	Reemployment.
356-05-350	Register.
356-05-355	Reinstatement.
356-05-360	Resignation.
356-05-365	Reversion.
356-05-370	Salary range.
356-05-375	Scheduling plan.
356-05-380	Seasonal career employees.
356-05-385	Seasonal career employment.
356-05-387	Seasonal career positions.
356-05-390	Seniority.
356-05-395	Series.
356-05-400	Supervisor.
356-05-405	Suspension.
356-05-410	Tandem employment.
356-05-415	Temporary employment.
356-05-420	Termination.
356-05-425	Training.
356-05-430	Transfer.
356-05-435	Trial service period.
356-05-440	Tuition reimbursement.
356-05-445	Underfill.
356-05-450	Union shop.
356-05-455	Union shop fee.
356-05-460	Union shop representative.
356-05-465	Veteran.
356-05-470	Veteran's widow.
356-05-475	Volunteer experience.
356-05-480	Work day.
356-05-485	Work period designation.
356-05-490	Work schedule.
356-05-495	Workshift.
356-05-500	Workweek.
356-05-505	Y-rate.

NEW SECTION

WAC 356-05-001 CHAPTER PURPOSE. The definitions outlined in this chapter apply throughout these rules unless the context clearly indicates another meaning.

NEW SECTION

WAC 356-05-005 ACTING APPOINTMENT. An appointment of limited duration made from within the classified service to a supervisory or managerial position.

NEW SECTION

WAC 356-05-010 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.

NEW SECTION

WAC 356-05-015 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.

NEW SECTION

WAC 356-05-020 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.

NEW SECTION

WAC 356-05-025 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.

NEW SECTION

WAC 356-05-030 ALLOCATION. The assignment of a position to a job classification.

NEW SECTION

WAC 356-05-035 ANNIVERSARY DATE. Original entry date into state service as adjusted by leave without pay or break in service.

NEW SECTION

WAC 356-05-040 APPOINTING AUTHORITY. A person or group of persons lawfully authorized to make appointments.

NEW SECTION

WAC 356-05-045 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.

NEW SECTION

WAC 356-05-050 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.

NEW SECTION

WAC 356-05-055 BOARD. The state personnel board.

NEW SECTION

WAC 356-05-060 BUMPING. The replacement of an incumbent by another employee subject to reduction in force, who has greater seniority.

NEW SECTION

WAC 356-05-065 CAREER PLANNING. A programmed process designed to assist employee career growth through job experience, training and/or continuing education.

NEW SECTION

WAC 356-05-070 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.

NEW SECTION

WAC 356-05-075 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.

NEW SECTION

WAC 356-05-080 CLASSIFIED SERVICE. All positions and employees in the state service subject to the provisions of chapter 41.06 RCW and these rules.

NEW SECTION

WAC 356-05-085 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.

NEW SECTION

WAC 356-05-090 COMPENSATORY TIME. Time off in lieu of cash payment for overtime.

NEW SECTION

WAC 356-05-095 COMPETITIVE SERVICE. All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

NEW SECTION

WAC 356-05-100 DATE OF ELECTION. The date of election is the date the director of personnel certifies the results of the election.

NEW SECTION

WAC 356-05-105 DEMOTION. A change of a permanent employee from a position in one class to a position in another class having a lower maximum salary.

NEW SECTION

WAC 356-05-110 DESIRABLE QUALIFICATIONS. The levels of education and/or experience deemed desirable or preferable for admission to the examination in lieu of fixed minimum qualifications.

NEW SECTION

WAC 356-05-115 DIRECTOR. The director of the department of personnel.

NEW SECTION

WAC 356-05-120 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.)

NEW SECTION

WAC 356-05-125 DISMISSAL. The termination of employment of a permanent employee (for cause) or of a probationary employee as specified in these rules.

NEW SECTION

WAC 356-05-130 EDUCATION LEAVE OF ABSENCE. An authorized leave of absence for educational purposes.

NEW SECTION

WAC 356-05-135 ELEVATION. Restoring an employee to the higher classification, with permanent status, which was held prior to being granted a demotion.

NEW SECTION

WAC 356-05-140 ELIGIBLE. An applicant whose name is on a register.

NEW SECTION

WAC 356-05-145 EMERGENCY APPOINTMENT. An appointment, for emergency reasons, not to exceed 60 calendar days.

NEW SECTION

WAC 356-05-150 EMPLOYEE. Any person employed under the jurisdiction of these rules.

NEW SECTION

WAC 356-05-155 EMPLOYEE ORGANIZATION. Any organization having the authority, as specified in WAC 356-42-010, to represent state employees on personnel matters.

NEW SECTION

WAC 356-05-160 EXCHANGE TIME. Equal time off for excess hours worked by exceptions work period employees.

NEW SECTION

WAC 356-05-165 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.

NEW SECTION

WAC 356-05-170 EXEMPT POSITION. Any position designated as exempt from the application of these rules as specified in WAC 356-06-020.

NEW SECTION

WAC 356-05-175 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.

NEW SECTION

WAC 356-05-180 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.

NEW SECTION

WAC 356-05-185 HOLIDAYS. Paid nonwork days for state employees as established by RCW 1.16.050.

NEW SECTION

WAC 356-05-190 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.

NEW SECTION

WAC 356-05-195 HUMAN RESOURCE DEVELOPMENT. The function of achieving agency goals by changing or enhancing employees' knowledges, skills, attitudes and behaviors.

NEW SECTION

WAC 356-05-200 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.

NEW SECTION

WAC 356-05-205 INTERVENING SALARY STEPS. All increment steps in a salary range, except the lowest and highest.

NEW SECTION

WAC 356-05-210 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.

NEW SECTION

WAC 356-05-213 MANAGEMENT EMPLOYEE. (For performance evaluation/pay/layoff purposes only) An employee who is at salary range 49 or above in the October 1, 1981 Compensation Plan (or an equivalent range in a subsequent Compensation Plan) who is determined by his/her agency director (or designee) to be part of agency management by virtue of (1) being assigned responsibility for supervising other supervisors or professional personnel and/or (2) by being assigned responsibility for planning, organizing, leading, controlling and/or making policy for major program operations of one or more agencies or divisions or subdivisions of an agency. This definition includes management employees in the classified service and, for performance evaluation and pay purposes, those exempt management employees whose salaries are set under the provisions of WAC 356-06-020(20).

NEW SECTION

WAC 356-05-215 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.

NEW SECTION

WAC 356-05-220 NONCOMPETITIVE POSITIONS. Positions designated by the board as not requiring a competitive examination.

NEW SECTION

WAC 356-05-222 NONMANAGEMENT EMPLOYEE. (For performance evaluation/pay/layoff purposes only) A classified employee who does not meet the definition of "management employee" or, for performance evaluation and pay purposes, an exempt employee who does not meet the definition of "management employee" but whose salary is set under the provisions of WAC 356-06-020(20).

NEW SECTION

WAC 356-05-225 ORIENTATION. An introduction to the organization and to tasks, jobs, procedures and other activities new to the employee.

NEW SECTION

WAC 356-05-230 OVERTIME. Work authorized and performed in accordance with WAC 356-15-030.

NEW SECTION

WAC 356-05-235 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.

NEW SECTION

WAC 356-05-240 PERIODIC INCREMENT DATE. The date established in accordance with the merit system rule on which a nonmanagement employee is entitled to a salary increase within a salary range as prescribed in the merit system rules.

NEW SECTION

WAC 356-05-245 PERMANENT EMPLOYEE. An employee who has successfully completed a probationary period and has had no break in service.

NEW SECTION

WAC 356-05-250 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.

NEW SECTION

WAC 356-05-300 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.

NEW SECTION

WAC 356-05-305 PREMIUM PAYMENT. Wage payment over and above the basic salary rate authorized by the board for extraordinary conditions of employment.

NEW SECTION

WAC 356-05-310 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.

NEW SECTION

WAC 356-05-315 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.

NEW SECTION

WAC 356-05-320 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.

NEW SECTION

WAC 356-05-325 PROMOTION. A change of an employee from a position in one class to a position in a class having a higher maximum salary.

NEW SECTION

WAC 356-05-330 PROVISIONAL APPOINTMENT. An appointment to a position pending the establishment of a register for that class.

NEW SECTION

WAC 356-05-335 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.

NEW SECTION

WAC 356-05-340 REDUCTION. Placement of an employee's salary at a lower step within the range as a result of a disciplinary action.

NEW SECTION

WAC 356-05-345 REEMPLOYMENT. An appointment, made from the reemployment register, of a former employee who had permanent status.

NEW SECTION

WAC 356-05-350 REGISTER. A list of eligible names established for employment or reemployment in a class.

NEW SECTION

WAC 356-05-355 REINSTATEMENT. Return of an employee to full employment rights by board action following appeal hearing.

NEW SECTION

WAC 356-05-360 RESIGNATION. A voluntary separation from employment.

NEW SECTION

WAC 356-05-365 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.

NEW SECTION

WAC 356-05-370 SALARY RANGE. A sequence of minimum, intervening, and maximum dollar amounts designated by the board as the monthly compensation for a class.

NEW SECTION

WAC 356-05-375 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.

NEW SECTION

WAC 356-05-380 SEASONAL CAREER EMPLOYEES. Incumbents who have been appointed into seasonal career positions with the mutual expectation of continued employment or employees who have repeatedly returned to state employment in the same agency and are granted a seasonal career appointment at the start of their fourth season of consecutive employment as provided in WAC 356-30-130(3).

NEW SECTION

WAC 356-05-385 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.

NEW SECTION

WAC 356-05-387 SEASONAL CAREER POSITIONS. A grouping of assigned duties, tasks, and responsibilities in seasonal career employment established to respond to work that is cyclic in nature beginning at approximately the same time each year and lasting for a minimum of five months and a maximum of nine months in any consecutive twelve-month period.

NEW SECTION

WAC 356-05-390 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.

NEW SECTION

WAC 356-05-395 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.

NEW SECTION

WAC 356-05-400 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.

NEW SECTION

WAC 356-05-405 SUSPENSION. An enforced absence without pay for disciplinary purposes.

NEW SECTION

WAC 356-05-410 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).

NEW SECTION

WAC 356-05-415 TEMPORARY EMPLOYMENT. Single or multiple periods of employment during the absence of a permanent employee or for work done at a workload peak and normally lasting for less than nine months and having an end in sight.

NEW SECTION

WAC 356-05-420 **TERMINATION**. Separation from employment for reasons beyond the control of the employee.

NEW SECTION

WAC 356-05-425 **TRAINING**. An organized learning process designed to provide needed changes in the skills, knowledges, attitudes or behaviors of employees.

NEW SECTION

WAC 356-05-430 **TRANSFER**. The change of an employee from one to another classified position having the same salary range number.

NEW SECTION

WAC 356-05-435 **TRIAL SERVICE PERIOD**. A six-month trial period of employment of a permanent employee beginning with the effective date of appointment from a voluntary demotion register to a class which the employee has not previously held permanent status or from a promotional register.

NEW SECTION

WAC 356-05-440 **TUITION REIMBURSEMENT**. A full or partial reimbursement to eligible employees by the employing agency for tuition paid to attend approved courses.

NEW SECTION

WAC 356-05-445 **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.

NEW SECTION

WAC 356-05-450 **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.

NEW SECTION

WAC 356-05-455 **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.

NEW SECTION

WAC 356-05-460 **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.

NEW SECTION

WAC 356-05-465 **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.

NEW SECTION

WAC 356-05-470 **VETERAN'S WIDOW**. For the purpose of granting preference during layoffs and subsequent reemployment, the unremarried wife of a deceased veteran as defined in WAC 356-05-465 except that such veteran's one-year minimum length of active military service shall be disregarded.

NEW SECTION

WAC 356-05-475 **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.

NEW SECTION

WAC 356-05-480 **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.

NEW SECTION

WAC 356-05-485 **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.

NEW SECTION

WAC 356-05-490 WORK SCHEDULE. A series of workshifts and work days within the workweek.

NEW SECTION

WAC 356-05-495 WORKSHIFT. Scheduled working hours within the workday.

NEW SECTION

WAC 356-05-500 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.

NEW SECTION

WAC 356-05-505 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 356-06-010 DEFINITIONS.

AMENDATORY SECTION (Amending Order 143, filed 5/9/80, effective 6/12/80)

WAC 356-06-020 EXEMPTIONS—EXCEPTIONS. With the exceptions noted in subsection (20) of this section the provisions of ~~((this title))~~ these rules do not apply to:

- (1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.
- (2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.
- (3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.
- (4) Employees of the state printing office.
- (5) The officers of the Washington state patrol.
- (6) Elective officers of the state.
- (7) The chief executive officer of each agency.
- (8) In the departments of employment security and fisheries, the director and the director's confidential secretary.
- (9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division

directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

~~((f(g)))~~ (g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

- (a) Washington state fruit commission.
- (b) Washington state apple commission.
- (c) Washington state dairy products commission.
- (d) Washington state wheat commission.
- (e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

(18) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(19) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred seventy-five for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular session of the legislature all exemptions granted pursuant to the

provisions of this subsection, together with the reasons for such exemptions.

Any person holding a classified position subject to the provisions of this chapter shall, when and if such position is subsequently exempted from the application of this chapter, be afforded the following rights:

If such person previously held permanent status in another classified position, such person shall have a right of reversion to the highest class of position previously held, or to a position of similar nature and salary.

(20) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), and (12) through (17) of this section. In addition, the provisions of WAC 356-14-125 and 356-30-302 shall apply to exempt management employees whose salaries and fringe benefits are determined by the personnel board.

AMENDATORY SECTION (Amending Order 193, filed 11/28/83)

~~WAC 356-10-040 ((POSITIONS=DOWNWARD OR LATERAL REALLOCATION=EMPLOYEES))~~ EMPLOYEE APPOINTMENT STATUS=DOWNWARD REALLOCATION. Employees in positions that have been reallocated downward are affected as follows:

(1) When a position occupied by an employee is reallocated downward, ~~((or laterally to a different classification with the same salary range.))~~ the director of personnel shall notify the incumbent and the agency in writing at least ~~((30))~~ thirty calendar days prior to the effective date of the reallocation. This action shall not preclude the employee from accepting a transfer or promotion to a vacant position.

(2) The employee may elect to remain in a position which is reallocated downward ~~((or laterally))~~ provided he/she meets the minimum or desirable qualifications for the new classification or acceptable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(3) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (2) of this section and he/she is not transferred, promoted, demoted or otherwise retained in status within sixty days, the provisions governing reduction in force shall apply.

(4) The employee who remains in a position which is reallocated downward may have his/her name placed upon the agency reduction in force register for the classification to which his/her position was previously allocated.

(5) An employee who continues in a position which is reallocated downward shall be paid an amount equal to his/her previous salary if such amount is within the salary subrange for the lower class. Employees whose current salary falls between two steps or exceeds the top step of the new position shall be Y-rated.

(6) The employee shall retain his/her existing periodic increment date provided the salary is not equal or greater than the maximum of the lower subrange. Employees whose salaries are Y-rated between steps will move to the first dollar amount step for the class in the lower subrange on their periodic increment date.

(7) Employees who retain their salaries as provided in subsection (5) of this section will not be entitled to promotional salary increases if they are subsequently hired off the agency reduction in force register; however, if the salary falls between the steps of the higher subrange, the employees' salaries will be increased to the first dollar amount step for the class in the higher subrange upon promotion.

~~((8) The salary and periodic increment date of an employee who continues in a position which is reallocated laterally shall remain unchanged.))~~

NEW SECTION

WAC 356-10-045 EMPLOYEE APPOINTMENT STATUS—LATERAL REALLOCATION. Employees in positions that have been reallocated laterally (to a different classification with the same salary range) are affected as follows:

(1) The employee may elect to retain existing appointment status in a position that is reallocated laterally provided he/she meets the minimum or desirable qualifications as determined by the director of personnel or designee. No further qualifying examination will be required and the employee will retain existing appointment status.

(2) If it is determined the employee does not meet the minimum qualifications for the new classification as provided in subsection (1) of this section and he/she is not transferred, promoted, demoted, or otherwise retained in status within sixty days, the provisions governing reduction-in-force shall apply.

(3) The employee retains existing appointment status when a position is reallocated laterally based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities.

(a) An employee in an underfill status will maintain that status.

(b) Subsection (1) of this section applies when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(4) The director of personnel or designee may approve the retention of status for an incumbent in a laterally reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The application of this subsection shall not be denied in those cases where the employee has performed the duties of the lateral class for three continuous years or more.

(5) The effective date of an incumbent's appointment status as provided for in subsection (1) or (4) of this section shall be the date the director of personnel or designee approves the position reallocation.

(6) The salary and periodic increment date of an employee who continues in a position that is reallocated laterally shall remain unchanged.

AMENDATORY SECTION (Amending Order 147, filed 9/16/80)

WAC 356-10-050 ~~((POSITIONS—REALLOCATION UPWARD—INCUMBENTS)) EMPLOYEE APPOINTMENT STATUS—UPWARD REALLOCATION.~~ Employees in positions which have been reallocated upward are affected as follows:

(1) Employee must compete and be certified from the appropriate eligible register unless otherwise determined by the director of personnel or designee when the position is reallocated upward based on recent or impending changes in duties and responsibilities. The employee's salary is then adjusted in accordance with the rule governing promotion.

(2) Employees in positions which have been reallocated upwards based on duties performed of a higher level classification in excess of one year shall retain status in the reallocated position and shall have their salary adjusted in accordance with the rule governing promotion, provided:

(a) The incumbent meets the minimum or desirable qualifications for the new class; or, the incumbent meets acceptable qualifications as determined by the director of personnel or designee.

(b) The employee passes the appropriate examination.

(3) If the employee is not certified from the appropriate eligible register, transferred, promoted, demoted or otherwise retained in status within ~~((60))~~ sixty days, the provisions governing reduction in force shall apply. This shall not preclude the employee's eligibility for a provisional appointment under these rules. Employees who do not achieve status in a reallocated position shall be paid for time worked in the higher class based on the rule governing promotion (up to a maximum of three years).

(4) The employee retains existing appointment status when the position is reallocated based on a revision of a class series, a class series study, or an agency-wide or major subdivision-wide classification review planned, conducted, or authorized by the department of personnel in advance of personnel board action (if any), when the reallocation involves no change in duties or responsibilities. The employee's salary then is adjusted to the same step in the new range as held in the present range.

(a) An employee in an underfill status will maintain that status.

(b) ~~((Paragraphs))~~ Subsection (1) or (2) of this section apply when a change in duties, responsibilities, or organization coincides with a revision of a class series.

(5) The director of personnel or designee may approve the retention of status without examination for an incumbent in a reallocated position when it is evident that the reallocation is, in effect, the correction of a long-term inequity. The employee's salary is adjusted in accordance with the rule governing promotion. The application of this subsection shall not be denied in those cases where the employee has performed duties at a higher class for three continuous years or more.

(6) The effective date of ~~((other than competitive re-allocations and appointments in (2) and (5) above))~~ an incumbent's appointment status as provided for in subsection (2) or (5) of this section will be the earliest date that a copy of the classification questionnaire, either submitted directly by the incumbent or by the agency, is received by the department of personnel. Receipt of such classification questionnaires shall be acknowledged by the department of personnel if the submitting party includes a self-addressed stamped envelope with the copy of the classification questionnaire furnished the department of personnel.

(7) The department of personnel, the director of personnel, and the state personnel board shall not award additional compensation to an employee for any period prior to the date on which the classification questionnaire was received by the department of personnel.

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-14-110 SALARY—NONMANAGEMENT EMPLOYEES—PERIODIC INCREMENT DATES—ORIGINAL—SUBSEQUENT. (1) The periodic increment date (PID) is the date on which ~~((an))~~ a nonmanagement employee automatically advances to a higher dollar amount in the range to which ~~((the))~~ such employee's position is classified; provided

(a) The employee's basic salary is not already at or above the maximum step of the assigned range, or

(b) The employee's standards of performance are such as to permit his/her retention in a job status.

(2) The dollar amount of the nonmanagement employee's increase will be two salary schedule increments; except

(a) The amount shall be one salary schedule increment if a two-increment increase would place the employee's basic salary above the maximum of the range of the employee's classification, or

(b) A fractional part of an increment amount shall be regarded as a full increment advance, if the employee's basic salary was between salary schedule steps immediately prior to the increase, or

(c) The dollar amount increase is stated otherwise in the compensation plan appendix or chapter 15.

(3) The original periodic increment date for ~~((an))~~ a nonmanagement employee is:

(a) Six continuous months from the date ~~((the))~~ such employee began work at the first step of a salary range, or

(b) One calendar year from the date on which ~~((the))~~ such employee began work at an intervening salary step; provided that in either (a) or (b):

(i) Any work period starting before the 16th of the month will count as a full month.

(ii) Any work period starting after the 15th of the month will not be counted.

(iii) An employee at or above the maximum step of a salary range does not have a periodic increment date.

(4) ~~((The))~~ A nonmanagement employee's periodic increment date shall be recomputed following leaves of absence without pay, in accordance with WAC 356-18-

220, breaks in serve due to reduction in force or reversion action. In such adjustments, calendar months of pay status already spent at a step will be credited toward the time required to advance to the next available increase in that range.

(5) A nonmanagement employee's periodic increment date shall be set and remain the same unless subsequently changed in accordance with the provisions of the merit system rules.

AMENDATORY SECTION (Amending Order 133, filed 9/18/79)

WAC 356-14-120 SALARY—NONMANAGEMENT EMPLOYEE—PERIODIC INCREMENT DATE—PROMOTION. ~~((An))~~ A nonmanagement employee who receives a salary increase through promotion shall retain his/her present periodic increment date except:

(1) When ~~((the))~~ such employee is placed at the first step, the employee either retains his/her present periodic increment date or assumes a new one six calendar months from the promotion, whichever date occurs first.

(2) ~~((An))~~ A nonmanagement employee with no periodic increment date, because he/she is being promoted from a maximum step or a Y rated amount above the maximum step of a range, will assume a new periodic increment date if ~~((the))~~ such employee is moving to a minimum or intervening salary step as provided in WAC 356-14-110.

NEW SECTION

WAC 356-14-125 SALARY REVIEWS—MANAGEMENT EMPLOYEES. Management employees shall receive a salary review as part of the required performance evaluation under the provisions of WAC 356-30-302 as follows:

(1) Management employees appointed at the first step of the salary range shall receive a salary review at the completion of six months at the first step. Such employees shall receive a two-increment salary increase effective on the first day of the month following the date they complete six months in the first step provided their overall performance rating is at level 3 or above.

(2) Management employees appointed at the second step or above but below the maximum step in the salary range shall receive a salary review as part of the required annual performance evaluation. Such employees shall receive a two-increment salary increase, not to exceed the maximum step in the assigned salary range, effective on the first day of the month following the scheduled completion date of the annual performance evaluation and related salary review provided their overall performance rating is at level 3 or above.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-14-130 SALARY—CONCURRENCE OF PROBATION, TRIAL SERVICE, AND PERIODIC INCREMENT DATE OR SALARY REVIEW DATE. When the date of promotion and either the periodic increment date of a nonmanagement employee or

the salary review date of a management employee coincide, the periodic increment or the salary review increases shall be paid prior to the promotional increase. Periodic increment dates, salary review dates and completion dates for probationary and trial service periods shall be computed separately.

AMENDATORY SECTION (Amending Order 191, filed 8/31/83)

WAC 356-30-300 PERFORMANCE EVALUATION—NONMANAGEMENT EMPLOYEES—REQUIREMENTS—MONITORING. (1) Agencies shall evaluate the performance of their nonmanagement employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the nonmanagement employee's anniversary date, except an agency can establish, on a consistent basis, a date which better accommodates a specific work cycle.

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

(4) The procedures and forms shall:

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

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

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

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

(5) The department of personnel shall monitor the evaluation of nonmanagement employees for timeliness, effectiveness and standardization.

(6) Allowing a probationary nonmanagement employee to gain permanent status or a trial service nonmanagement employee to gain permanent status in the class to which he/she has been promoted without completion of an evaluation may be regarded as neglect of duty, incompetence or insubordination on the part of the supervisor and may be cause for disciplinary action.

NEW SECTION

WAC 356-30-302 PERFORMANCE EVALUATION—MANAGEMENT EMPLOYEES—REQUIREMENTS—MONITORING. (1) Agencies shall evaluate the performance of their management employees during their probationary or trial service periods and at least once a year thereafter.

(2) The evaluation will be conducted during the month preceding the management employee's anniversary date, except that an agency may establish, on a consistent basis, a date which better accommodates a specific work cycle. As they deem necessary, supervisors may provide other performance evaluations in addition to the required annual performance evaluation.

(3) As an interim measure, commencing July 1, 1984 and continuing through June 30, 1985, agencies will utilize the existing procedures and form currently prescribed for nonmanagement employees by the director of personnel supplemented by the provisions contained in subsections (4), (5), (6), (7), and (8) of this section. The procedures include provisions whereby individual agencies may supplement the process with special performance factors peculiar to specific organizational needs.

(4) During the interim period defined in subsection (3) of this section, agencies will evaluate management employees by considering the performance targets (i.e., expected results of an employee's work) normally contained in the employee's classification questionnaire, job description and/or organizational statement of goals and objectives. The performance targets for each employee shall be consistent with the employee's class.

(5) During the interim period defined in subsection (3) of this section, the following guidelines for the distribution of ratings in the five levels of performance contained in the existing procedures and form currently prescribed for nonmanagement employees by the director of personnel shall apply to management employees.

Level 5 - (Far Exceeds Normal Requirements) Approximately 6% of management employees should normally be rated in this category.

Level 4 - (Exceeds Normal Requirements) Approximately 40% of management employees should normally be rated in this category.

Level 3 - (Meets Normal Requirements) Approximately 50% or more of management employees should normally be rated in this category.

Level 2 - (Meets Minimum Requirements) There is no distribution guideline for this level.

Level 1 - (Fails to Meet Minimum Requirements) There is no distribution guideline for this level.

(6) To determine the overall performance rating required by WAC 356-14-125, add the individual overall ratings awarded for performance dimensions A through E (or A through F, if appropriate) in Section I of the existing Employee Performance Evaluation form, SF 9128. Divide that total by the number of dimensions rated (either 5 or 6, as appropriate). The resulting average overall rating shall be carried to two decimal places rounded to the nearest whole number (e.g., 3.333 shall become 3.33 and 3.666 shall become 3.67, etc.).

<u>If the average overall rating is:</u>	<u>Overall performance rating is:</u>
4.66 or above	Level 5
3.66 to 4.65	Level 4
2.66 to 3.65	Level 3
1.66 to 2.65	Level 2
1.65 or below	Level 1

(7) The head of each agency shall submit to the director of personnel, on or before July 1, 1984, a report containing the name, class and position number of each agency management employee. Annually thereafter,

agency heads shall submit to the director of personnel a report containing the name, class and position number of each management employee, and the last annual overall performance rating received by each such employee.

(8) Prior to July 1 of each year, the head of each agency, or designee, shall review the distribution of management employees in each of the five performance rating categories and, if the agency head determines it to be necessary, may cause performance targets to be adjusted so that the distribution of their employees in the rating categories will, in the next fiscal year, more closely approximate the distribution guidelines provided in subsection (5) of this section.

AMENDATORY SECTION (Amending Order 193, filed 11/28/83)

WAC 356-30-330 REDUCTION IN FORCE—REASONS, REGULATIONS—PROCEDURE. (1) The reasons for reduction in force actions and the minimum period of notice are:

(a) Employees may be separated in accordance with the statutes and the agencies' approved reduction in force procedures after at least fifteen calendar days' notice in writing, without prejudice, because of lack of funds or curtailment of work, or good faith reorganization for efficiency purposes, ineligibility to continue in a position which has been reallocated, or when there are fewer positions than there are employees entitled to such positions either by statute or within other provisions of merit system rules.

(b) When employees have statutory and merit system rule rights to return to the classified service and the total number of employees exceeds the number of positions to be filled in the classification, those employees in excess will have the reduction in force rights prescribed in this section.

(2) The agencies shall develop a reduction in force procedure that is consistent with the following:

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

(b) Clearly defined layoff units, either geographically or by administrative units or both, so as to limit the disruption of an agency's total operation; but not to unduly restrict the options available to employees with greater seniority. The definition of layoff units may be a series of progressively larger units within an agency when a valid option in lieu of separation cannot be offered to respective employees within a lesser-sized unit.

(c) Options in lieu of separation by reduction in force shall be offered by an agency only when such options are in accordance with the agency's reduction in force procedure which has been approved by the director of personnel.

(d) Agency reduction in force procedures shall specify the rights and obligations for employees to accept or reject options offered in lieu of separation due to reduction in force.

(e) "Bumping" by employees with greater seniority will be limited to:

(i) The same layoff unit; and

(ii) Classification in which the "bumping" employee previously held permanent status; and

(iii) Position at the current salary range of the employee doing the bumping, or lower; and

(iv) Employee with the least seniority within the same category of full-time or part-time employment; and

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

(f) An employee may not exercise a bumping option in lieu of separation due to a reduction in force if there is within the agency a vacant position which satisfies all of the criteria set forth below.

The position is one which:

(i) The agency intends to fill;

(ii) Is in the current classification of the employee being offered the option, or in a classification within which the employee being offered the option previously held permanent status;

(iii) Is at a salary range no lower than the range that would have otherwise been a bumping option;

(iv) Is located within a reasonable commuting distance of the employee's permanent work location; and

(v) Is on the same or similar workshift as the one which the employee currently holds.

(g) When an employee has previously held permanent status in more than one classification at the same salary range and is eligible to bump, then the employee shall be offered the option to bump into the position occupied by the employee with the least seniority.

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

(i) Options of full-time positions will be offered first to full-time employees before part-time positions are offered. For the purpose of these offers, employees who previously accepted part-time positions due to a reduction in force action or to lessen the impact of a reduction in force shall be considered full-time employees.

(j) Seniority for part-time employees will be computed on a basic payroll hour basis within the same provision and restrictions of the general definition of seniority. When part-time employees become full-time employees, their payroll hours will be integrated on a comparable time basis as full-time employees.

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

(l) Options of other than permanent positions as named in subsection (2)(m) of this section are to be

made if no permanent position to be filled is available within a reasonable commuting distance.

(m) The reduction in force procedure shall contain the statement that, "No permanent employee shall be separated from state service through reduction in force without being offered within fifteen calendar days prior to what would be the permanent employee's effective separation those positions at the same or lesser salary range within the layoff unit for which he/she qualifies, currently being held by emergency, temporary, provisional, probationary, or intermittent employees."

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

(3) The agency shall submit the procedure to the director of personnel for approval.

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

(5) When a majority of the positions in a layoff unit other than in project employment is to be eliminated because of a lack of funds and/or work, permanent employees in such positions shall be offered, according to their seniority, those positions in classes in which they have held permanent status which are currently being held by emergency, temporary, provisional, or probationary employees; provided they have not rejected offers of vacant positions made by certifications from the registers. Such options shall be offered in accordance with the following requirements:

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

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

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

(6) In order to exercise an option to a position which may require selective criteria, the following applies. The option may be exercised only by an employee who possesses the required specialized qualifications when:

(a) The criteria were approved when the position was established, reallocated or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) When, at a subsequent time, it was determined that the position requires the performance of specialized duties that would warrant future selective certification.

(d) In the case of (c) above, the selective criteria shall not be applied for the purposes of determining reduction in force options until six months after the notification of

the new duties has been made to the department of personnel.

(e) In the case of (a), (b) and (c) of this subsection, the director of personnel or designee must have determined that the specialized qualifications are still essential for the successful job performance and the qualifications could not be learned within a reasonable length of time.

~~((7) Time to be spent on exit leave shall not be considered in determining reduction in force options or the order of separation due to reduction in force.))~~

AMENDATORY SECTION (Amending Order 197, filed 1/24/84)

WAC 356-46-060 AGENCIES—PERSONNEL RECORDS. (1) Each agency shall maintain a record of each employee showing the name, title, position held, organizational assignment, salary, changes of employment status, attendance, leaves, annual performance evaluations, and such other information as may be necessary for the administration of regulations. Personnel records shall be open to the inspection of the personnel board and the director of personnel or designee and, depending on the functional requirement of the content of each individual record, shall accompany the employee throughout his/her service career.

(2) Agencies shall publish policies pertaining to the retention and confidentiality of personnel records in accordance with these rules and chapter 40.14 RCW which are consistent with the following requirements:

(a) Agencies shall designate the official depository and custodian of personnel records.

(b) Agencies shall ensure that employees have knowledge of all job performance information inserted into the personnel record pertaining to the employee.

(c) Employees and/or their representatives may review the employee's personnel records, subject to policies of the employing agency.

(d) Employees or their representatives contesting allegedly erroneous, prejudicial, or otherwise adverse information in the employee's personnel records may insert rebuttal or refuting documentation into their personnel records.

(e) Information in the personnel records relating to employee misconduct shall be destroyed in accordance with policies established in chapter 40.14 RCW in situations where the employee is exonerated or where the information is found to be false. The agency's record retention plan shall provide for the prompt destruction of this information.

(f) Information relating to employee misconduct committed in the performance of off-duty activities shall be placed in the personnel records and retained by the agency in accordance with policies established in chapter 40.14 RCW, only where said information has a reasonable bearing on the employee's job performance. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(g) Information relating to employee misconduct that is committed in the performance of state business shall be maintained by the agency for a minimum of six years or in accordance with policies established in chapter 40.14 RCW. Employees may request that such information be removed from their personnel record at the conclusion of the retention period. The information may be retained by the agency if it has a reasonable bearing on the efficient and effective management of the agency.

(h) Notwithstanding paragraphs (e), (f) and (g) of this section, agencies may retain information relating to employee misconduct or alleged misconduct if the employee requests that the information be retained or if agency management reasonably expects that the information will be needed in a pending or prospective legal action.

(3) The agency shall submit its policy relating to the retention and confidentiality of personnel records to the director of personnel for approval and filing.

WSR 84-17-043
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-102—Filed August 10, 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 the harvestable quota of Pacific Ocean perch southerly of Point Grenville has been taken, and this rule conforms Washington state regulations with those of the Pacific Fisheries Management Council for protection of groundfish stocks.

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

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

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

APPROVED AND ADOPTED August 10, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-44-05000J COASTAL BOTTOMFISH CATCH LIMITS. Notwithstanding the provisions of WAC 220-44-050, effective 12:01 a.m., August 15, 1984, it is unlawful to possess, transport through the

waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 59A, 59B, 60A, 61, 62, or 63 in excess of the amounts or less than the minimum sizes shown below for the species indicated:

(1) *Widow rockfish (Sebastes entomelas)* – 40,000 pounds per vessel trip, no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of widow rockfish in any calendar week, defined as Sunday through the following Saturday.

(2) *Shortbelly rockfish (Sebastes jordani)* and *Idiot Rockfish (Sebastes spp.)* – no maximum poundage per vessel trip; no minimum size.

(3) *Pacific ocean perch (Sebastes alutus)* – 5,000 pounds or 20 percent of total weight of fish on board, whichever is less, per vessel trip; no minimum size in Areas 58B, 59A, and 59B. Areas 60A, 61, 62 and 63 are closed to the taking of Pacific ocean perch.

(4) All other species of rockfish (*Sebastes spp.*) – 7,500 pounds of all other species combined per vessel trip per calendar week, defined as Sunday through the following Saturday, except that a fisherman having made a declaration of intent, may make one landing of no more than 15,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following. The declaration of intent to fish biweekly must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be post-marked at least seven days prior to the beginning of biweekly fishing. The declaration of intent to fish biweekly must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which biweekly fishing will commence, and must be signed and dated by the fisherman. The fisherman may return to the one vessel trip per calendar week fishing at the beginning of any month by filing a declaration of intent to stop biweekly fishing with the department in the above manner. The declaration to stop biweekly fishing and begin one vessel trip per calendar week fishing must be made at least seven days prior to the beginning of the month in which the one vessel trip per calendar week fishing will resume. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any calendar week.

(5) *Sablefish* – minimum size 22 inches in length, unless dressed in which case minimum size 16 inches in length from the anterior insertion of the first dorsal fin to the tip of the tail, except that an incidental catch less than the minimum size of 5,000 pounds is allowed; no vessel trip restrictions.

(6) It is unlawful during unloading of the catch and prior to its being weighed or leaving the unloading facility to intermix with any other species a species or category of bottomfish having a vessel trip limit.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 15, 1984:

*WAC 220-44-05000I COASTAL BOTTOMFISH
CATCH LIMITS (84-81)*

WSR 84-17-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 84-103—Filed August 10, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of sockeye salmon are available, and accidental snagging can be prevented if exclusion zones around the Lake Washington bridges are maintained.

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

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

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

APPROVED AND ADOPTED August 10, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-57A-14500A SAMMAMISH LAKE. Notwithstanding the provisions of WAC 220-57A-145, effective August 16, 1984 until further notice it is lawful to retain up to two sockeye salmon per day in the daily bag limit of salmon taken for personal use in Lake Sammamish.

NEW SECTION

WAC 220-57A-17500N LAKE WASHINGTON. Notwithstanding the provisions of WAC 220-57A-175, effective August 16, 1984 all waters of Lake Washington are open to personal use salmon angling under bag limit A, and it is lawful to retain up to two sockeye salmon per day in the daily bag limit, except that waters within a 1,000 foot radius of the mouth of the Cedar River, waters within 100 yards either side of the I-90 Bridge, and waters within 100 yards either side of the Evergreen Point Floating Bridge are closed to salmon angling at all times.

NEW SECTION

WAC 220-57A-18000A LAKE WASHINGTON SHIP CANAL, INCLUDING LAKE UNION. Notwithstanding the provisions of WAC 220-57A-180, effective August 16, 1984 until further notice it is lawful to retain up to two sockeye salmon per day in the daily bag limit of salmon taken for personal use in the waters of the Lake Washington Ship Canal, including Lake Union, except that waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge and waters between the eastern end of the north wingwall of the Chittenden Locks and the railroad bridge west of the locks are closed to salmon angling at all times.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 16, 1984:

WAC 220-57A-17500M LAKE WASHINGTON (84-87)

WSR 84-17-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-104—Filed August 10, 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 net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in Areas 8A, 12 and 12B provide opportunity to harvest full non-Indian chinook allocation that would otherwise not be taken by traditional means. All other areas are closed to prevent overharvest.

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

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

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

APPROVED AND ADOPTED August 10, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-47-905 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

***Areas 5 and 6C** – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Monday, August 13.

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

***Areas 7B and 7C** – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly August 13 through the morning of August 16. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

***Areas 8A, 12, and 12B** – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM August 13 through the morning of August 16, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 13, 14, and 15. Fishery exclusion zones applicable to Areas 8A and 12B commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-904 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-100)

WSR 84-17-046
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed August 13, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of General Administration intends to adopt or repeal rules concerning State Environmental Policy Act (SEPA), and repealing chapter 236-10 WAC.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 25, 1984.

The authority under which these rules are proposed is RCW 43.21C.120 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is chapter 43.21C RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 24, 1984.

Dated: August 8, 1984

By: Keith A. Angier
 Director

STATEMENT OF PURPOSE

The rules shown below are submitted for filing as new chapter 236-11 WAC and repeal of chapter 236-10 WAC. Additional information as required by RCW 34.04.045 is as follows.

Title: Chapter 236-11 WAC, compliance with State Environmental Policy Act.

Purpose: The chapter implements the statewide rules of chapter 197-11 WAC as they apply to the Department of General Administration.

Statutory Authority: RCW 43.21C.120.

Implements: RCW 43.21C.120.

Summary of Rule: Chapter 236-11 WAC provides the rules and procedures for the Department of General Administration to comply with the State Environmental Policy Act (SEPA), as directed by chapter 43.21C RCW and chapter 197-11 WAC. Chapter 236-10 WAC is no longer applicable and is repealed.

Agency Personnel Responsible for Drafting and Implementation: Robert F. Arndt, 208 General Administration Building, 753-0502; and Enforcement: Keith A. Angier, 218 General Administration Building, 753-5434.

Organization Proposing Rule: Department of General Administration.

Agency Comments: None.

The rules are not the result of a federal law or court action.

Small Business Impact: None.

Chapter 236-11 WAC
 COMPLIANCE WITH STATE ENVIRONMENTAL POLICY
 ACT

NEW SECTION

WAC 236-11-010 AUTHORITY. This chapter is promulgated pursuant to RCW 43.21C.120.

NEW SECTION

WAC 236-11-020 SCOPE AND COVERAGE OF THIS CHAPTER. (1) Compliance with the rules of this chapter shall constitute procedural compliance with SEPA for an "action" as defined in WAC 197-11-704.

(2) The rules of this chapter contain no sections relating to the notice/statute of limitations provisions of chapter 43.21C RCW. To utilize these provisions, the department of general administration shall follow the statutory language and any applicable regulations of the department of ecology.

NEW SECTION

WAC 236-11-030 ADOPTION BY REFERENCE. The department of general administration hereby adopts the sections or subsections of chapter 197-11 WAC by reference.

WAC

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.
- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.
- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/initiation of scoping.
- 197-11-390 Effect of threshold determination.
- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.
- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-510 Public notice.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.
- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.
- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.
- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.
- 197-11-680 Appeals.
- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decision maker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-748 Environmentally sensitive area.
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.
- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.
- 197-11-800 Categorical exemptions.
- 197-11-810 Exemptions and nonexemptions applicable to specific state agencies.
- 197-11-875 Other agencies.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.
- 197-11-900 Purpose of this part.
- 197-11-902 Agency SEPA policies.
- 197-11-904 Agency SEPA procedures.
- 197-11-906 Content and consistency of agency procedures.
- 197-11-908 Environmentally sensitive areas.
- 197-11-910 Designation of responsible official.
- 197-11-912 Procedures on consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-918 Lack of agency procedures.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.
- 197-11-950 Severability.
- 197-11-955 Effective date.
- 197-11-965 Adoption notice.
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

NEW SECTION

WAC 236-11-040 INTEGRATION OF SEPA PROCEDURES WITH OTHER GOVERNMENTAL OPERATIONS. To clarify threshold decisions and to categorize department actions applicable to the environment protection process, typical department of general administration actions have been identified as follows:

(1) Category I. Projects which will normally require an EIS.

(a) Construction projects – (determined by environmental checklist).
 (i) Projects requiring preparation of major state construction plans.
 (ii) Projects undertaken for another state agency or applicant where the assessment process identifies significant known or potential impacts.

(b) All department of general administration projects where the assessment process identifies known or potential significant environmental impact.

(c) Procurement and/or disposal of hazardous materials or substances.

(2) Category II. Projects which may require EIS or further assessment.

(a) Construction projects.

(i) Repair and alteration projects requiring a major change in energy requirement or source.

(ii) Repair and alteration projects affecting architectural character of buildings of recognized historical importance.

(b) Upgrading of existing space with significant change in use.

(c) Alteration projects entailing laboratory space which will utilize dangerous or hazardous chemicals, drugs, or radioactive materials.

(3) Category III. Division exemptions. Pursuant to WAC 197-11-875, except for building construction, all activities of the Division of Banking and the Division of Savings and Loan Associations are exempted.

(4) Category IV. Categorical exemptions. Pursuant to WAC 197-11-800, Part Nine except for limitations on categorical exemptions contained in chapter 197-305 WAC, the following divisions are exempted: Division of Buildings and Grounds, Division of Telecommunications, Data Processing Service Center, Division of Administrative Services, Division of Motor Transport, Risk Management, Personnel Office, Division of Purchasing and Surplus Property Office and the State Mail Service. If any of the aforementioned divisions become involved in an action as defined in WAC 197-11-704 which is not exempt, then these rules will apply and the division supervisor must integrate these department procedures with their operations.

(5) Category V. Emergencies. Pursuant to WAC 197-11-880, actions which must be undertaken immediately or within a time too short to allow full compliance with this chapter, or chapter 197-11 WAC, to avoid an imminent threat to public health or safety, to prevent an imminent danger to public or private property, or to prevent an imminent threat of serious environmental degradation, shall be exempt.

NEW SECTION

WAC 236-11-050 APPLICATIONS FOR EXEMPTIONS WITHIN THE DEPARTMENT OF GENERAL ADMINISTRATION. Each "action" as defined in Part Eight, WAC 197-11-704, of the department shall have a form completed and retained in the applicant's division files. This form shall show the action and exemption decision and be signed by the department of general administration representative making that decision. This form shall also show any threshold decision signed by the department representative. A copy of this completed form shall be submitted to the division of facilities planning for review and approval or disapproval.

NEW SECTION

WAC 236-11-060 TIMING OF THE EIS PROCESS. (1) Public works request. Any agency submitting a public works request to the department of general administration shall be regarded as the lead agency. It will be the sole responsibility of an agency submitting a public works request to determine whether the action is exempt and, if not, to prepare an environmental checklist, make threshold determinations of nonsignificance or significance, prepare draft and final EIS's and conduct public hearings. If an EIS is required for any public works request the working draft EIS must be prepared concurrently or prior to the completion of the design development phase. Evidence of compliance with SEPA rules, chapter 197-11 WAC, must be provided to the department of general administration prior to implementing proposals.

(2) Space request. The department of general administration will normally assume responsibility as lead agency for space requests submitted to the department. However, if an EIS is required for a space request the agency submitting the space request may be assigned responsibility for preparing the draft and final EIS's and to conduct public hearings.

NEW SECTION

WAC 236-11-070 FACILITY ACQUISITION. Facilities or real estate acquired under RCW 43.82.010 and which are subject to the provisions of chapter 197-11 WAC, SEPA rules, shall be environmentally administered as follows:

(1) Upon identification of plans to locate or relocate a state agency within a community, the department of general administration shall determine whether the proposal is categorically exempt, does not have a probable significant environmental impact, or does have a probable significant impact. If an EIS is required, the agency which will be the recipient of the facility or real estate may be assigned as lead agency as determined in WAC 236-11-060(2).

(2) Prior to publication of a determination of nonsignificance, or determination of significance, the department of general administration shall coordinate plans for acquisition with appropriate government officials and interest groups through the department of community development.

(3) Determinations of significance or nonsignificance, and any subsequent environmental review actions shall be publicized, with copies of determinations and review actions transmitted to appropriate government officials and interest groups.

NEW SECTION

WAC 236-11-080 PUBLIC NOTICE REQUIREMENTS. (1) The department shall give public notice when issuing a DNS under WAC 197-11-340, or DS and scoping notice under WAC 197-11-360.

(2) The department may require an applicant to perform the public notice requirement at its expense.

(3) The department shall use one or more of the following methods of public notice, taking into consideration the geographic area affected by the proposal, the size and complexity of the proposal, public interest expressed in the proposal, and whether the proposal is a project or regulation:

(a) Mailing to public or private persons or groups who have expressed interest in the proposal, in a certain type of proposal, or proposals in the geographic area in which the proposal is located;

(b) Publication in a newspaper of general circulation in the area in which the proposal will be implemented; and/or

(c) Posting the property, for site-specific proposals.

NEW SECTION

WAC 236-11-090 EIS DECISION LEVELS. There are four levels of decisions involved in the EIS process.

(1) (a) Determination of eligibility for a categorical exemption.

(b) In determining whether a proposal is exempt from SEPA, the department shall respect "environmentally sensitive area" designations made by local governments under WAC 197-11-908 and the threshold levels adopted by cities/counties under WAC 197-11-800(1).

(2) Completion of an environmental checklist, Form GEN-FP-007, by the applicant in accordance with WAC 197-11-315 to determine if a proposal will have probable significant adverse environmental impact.

(3) Completion of a threshold determination by the lead agency in accordance with WAC 197-11-310 to determine if an EIS is required.

(a) Determination of nonsignificance (DNS), Form GEN-FP-008, which documents a decision that a proposal is not likely to have a significant adverse environmental impact and, therefore, not require an EIS.

(b)(i) Determination of significance (DS), Form GEN-FP-009, which documents a decision that a proposal is likely to have a significant adverse environmental impact and, therefore, an EIS is required.

(ii) Completion of scoping the proposal to limit an EIS to significant environmental issues.

(4) Completion of an environmental impact statement (EIS) which is the detailed statement required by RCW 43.21C.030(2)(c).

(a) Completion of a draft EIS (DEIS) which informs decision makers and the public of a proposal and the mitigation measures which would avoid or minimize adverse impacts.

(b) Completion of a final EIS (FEIS) which revises the DEIS as appropriate and responds to comments received from decision makers and the public.

(c) Completion of a supplemental EIS (SEIS) which revises a draft or final EIS if there are substantial changes or significant new information on the proposal indicating probable significant adverse environmental impacts.

NEW SECTION

WAC 236-11-100 POLICIES AND PROCEDURES FOR CONDITIONING OR DENYING PERMITS OR OTHER APPROVALS. (1) (a) It is department of general administration policy to avoid or mitigate adverse environmental impacts which may result from the department's decisions.

(b) The department shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs, and resources so that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(ii) Assure for all people of Washington, safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

(iv) Preserve important historic, cultural, and natural aspects of our national heritage;

(v) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(vi) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

(vii) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

(c) The department shall develop plans and programs to economically house state government activities so as to provide maximum services to the people of Washington consistent with (b) of this subsection.

(2) Supplementary implementing instructions and procedures to the policies contained in this section are contained in department of general administration policies and procedures, chapter 7, section 3.

(3) The department responsible official may:

(a) Condition the approval for a proposal if mitigation measures are reasonable and capable of being accomplished and the proposal is inconsistent with the policies in subsection (1) of this section.

(b) Deny the permit or approval for a proposal if reasonable mitigation measures are insufficient to mitigate significant adverse environmental impacts and the proposal is inconsistent with the policies in subsection (1) of this section.

(4) The procedures in WAC 197-11-660 must be followed when conditioning or denying permits or other approvals.

NEW SECTION

WAC 236-11-110 DESIGNATION OF RESPONSIBLE OFFICIAL. (1) Within the department of general administration the ultimate responsible official is the director.

(2) The division of facilities planning is the responsible official for overall direction and control of environmental reviews within the department of general administration and the division shall maintain the department SEPA information center.

(3) When the department of general administration is the lead agency, the operational responsibility for determining if the department's involvement is an "action" and if the department's "action" is "exempt" shall be controlled by the division of facilities planning.

(4) The division of facilities planning shall review and agree or disagree with all project or program exemptions, environmental checklists and determinations of nonsignificance or significance initiated within the department. In the event that there is disagreement with the initiator of the project, the decision of the responsible official, division of facilities planning, shall be final.

(5) The department's responsibilities as consulted agency will be coordinated by the division of facilities planning. When the department of general administration is responding as the consulted agency to a draft EIS and when specific contents of an EIS impacts a particular division of the department of general administration, then that EIS will be sent to the affected division director for review and response. The affected division's response comments and/or recommendation will then be incorporated into the overall department response and sent to the department of general administration responsible official for final approval.

(6) Any decision of the responsible official, division of facilities planning, shall be final until such time as it is superseded by the director, department of general administration.

NEW SECTION

WAC 236-11-120 SEPA INFORMATION CENTER. (1) The department SEPA information center shall be located in the Division of Facilities Planning, Department of General Administration, Olympia, Washington 98504.

(2) The following documents shall be maintained at the department's SEPA Information Center:

(a) Copies of all determinations of nonsignificance filed by the agency, for a period of one year.

(b) Copies of all EIS's prepared by the agency, for a period of three years. Draft EIS's which have been superseded by a final EIS need not be maintained at the center.

(3) The agency shall maintain the following information at its center:

(a) Current SEPA statutes and administrative codes;

(b) Current directives and regulations;

(c) Department SEPA policies, procedures and correspondence;

(d) Blank forms for determinations, environmental checklists, and others as required.

NEW SECTION

WAC 236-11-130 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other persons or circumstances, shall not be affected.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 236-10-010 AUTHORITY.

WAC 236-10-015 IMPACT OF GUIDELINES ON THE DEPARTMENT.

WAC 236-10-020 SCOPE AND COVERAGE OF THIS CHAPTER.

WAC 236-10-030 ADOPTION BY REFERENCE.

WAC 236-10-040 INTEGRATION OF SEPA PROCEDURES WITH OTHER GOVERNMENTAL OPERATIONS.

WAC 236-10-050 TIMING OF THE EIS PROCESS.

WAC 236-10-060 SUMMARY OF INFORMATION WHICH MAY BE REQUIRED OF A PRIVATE APPLICANT.

WAC 236-10-070 SENSITIVE AREAS.

WAC 236-10-080 PREPARATION OF EIS BY PERSONS OUTSIDE THE LEAD AGENCY.

WAC 236-10-090 DESIGNATION OF RESPONSIBLE OFFICIAL.

WSR 84-17-047**ATTORNEY GENERAL OPINION**

Cite as: AGO 1984 No. 19

[August 10, 1984]

WATER—WELLS—EMINENT DOMAIN—APPROPRIATION AND USE OF GROUND WATER UNDER 1945 GROUND WATER CODE AS AMENDED

(1) Under the State Ground Water Code of 1945, as amended, the extent of protection for the holder of a ground water right established subsequent to the enactment thereof is dependent upon a site-specific factual inquiry and technical analysis which takes into consideration both the geohydraulic characteristics of the aquifer and the state of pump and well construction technology.

(2) The protection afforded such a ground water right holder would not be affected by the pit or quarry operator having authorization from the State to drain water away from the pit or quarry.

(3) The protection thus afforded the ground water right holder by the Ground Water Code of 1945 would not be different if the right was established prior to the enactment thereof.

(4) A wide variety of public and private entities may exercise the right to condemn water and water rights for a variety of uses; the right to condemn water under RCW 90.03.040 extends to "any person."

Requested by:

Honorable Mike Todd
St. Rep., 31st District
17123 S.E. 339th
Auburn, Washington 98002

WSR 84-17-048
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
[Order 424—Filed August 13, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the southwest area.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to continued dry weather and the forecasted weather conditions in shutdown zones 660 and 621 east, in the southwest area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 13, 1984.

By Brian J. Boyle
Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 423, filed 8/10/84)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTHWEST AREA. Department of Natural Resources Shutdown Zones affected by this restriction are zones 660, in parts of Skamania and eastern

Lewis, Clark, and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Southwest Area.

Effective midnight (~~(Friday)~~) Monday, August ((+0)) 13, 1984 through midnight ((Monday)) Thursday, August ((+3)) 16, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day of the shutdown period.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in Shutdown Zones 660 and 621 East, located in the Southwest Area, during the period of (~~(Friday)~~) Monday, August ((+0)) 13, 1984 through midnight ((Monday)) Thursday, August ((+3)) 16, 1984.

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

WSR 84-17-049
ADOPTED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Order 84-7—Filed August 13, 1984]

I, Carolyn V. Patton, director of the Office of Minority and Women's Business Enterprises, do promulgate and adopt at 406 South Water, Olympia, WA 98504, the annexed rules relating to:

New WAC 326-30-036 Goals for 1984-85.
Amd WAC 326-30-100 Agency/educational institution reporting of MWBE participation.

This action is taken pursuant to Notice No. WSR 84-14-002 filed with the code reviser on June 22, 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 August 13, 1984.

By Carolyn V. Patton
Director

NEW SECTION

WAC 326-30-036 GOALS FOR 1983-84. The annual overall goals for each state agency and educational institution for the period July 1, 1984 through June 30, 1985, shall be 9.1 percent MBE and 3.0 percent WBE

participation, based on the agency's or educational institutions' total contracts subject to this chapter, less excluded contracts.

AMENDATORY SECTION (Amending Order 84-5, filed April 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.~~) Participation by MBEs and WBEs in procurement of goods, services, and personal services shall be reported when money is disbursed. Participation by MBEs and WBEs in public works contracts should be reported both when the contract is awarded and when the money is disbursed.

(a) For contracts for procurement of goods, services, and personal services, the disbursement should be reported for the quarter in which it is made.

(b) For public works contracts, MBE and WBE participation shall be first reported by the agency or educational institution for the quarter that the contract is awarded. Reports on actual payments to MBEs and WBEs on a contract shall be accompanied by affidavits of payment to MBEs and/or WBEs 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)) the payments are made. Where a contract is awarded to an approved joint venture, an affidavit of the actual disbursement of the funds to the joint venturers, signed by all of the joint venturers, shall accompany the report of disbursement.

(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((~~f~~)), 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 ((~~f~~ ~~a~~ ~~f~~ ~~a~~)) 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 ~~the~~ 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: 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 84-17-050

ADOPTED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 84-29—Filed August 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Special allocations, instruction, and requirements, chapter 392-140 WAC.

This action is taken pursuant to Notice No. WSR 84-14-057 filed with the code reviser on June 29, 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.41-.170 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 13, 1984.

By Frank Brouillet
Superintendent of Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-140-010 1981-83 SALARY-COMPENSATION LID COMPLIANCE—AUTHORITY AND PURPOSES.

WAC 392-140-011 1981-83 SALARY-COMPENSATION LID COMPLIANCE—DEFINITIONS.

WAC 392-140-012 1981-83 SALARY-COMPENSATION LID COMPLIANCE—APPLICATION TO BASIC EDUCATION STAFF.

WAC 392-140-013 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—GENERAL.

WAC 392-140-014 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DISTRICT EDIT OF PERSONNEL DATA.

WAC 392-140-015 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION.

WAC 392-140-016 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION.

WAC 392-140-017 1981-83 SALARY-COMPENSATION LID COMPLIANCE—INITIAL REPORTING CYCLE—DETERMINATION OF VIOLATION AFTER REVIEW.

WAC 392-140-018 1981-83 SALARY-COMPENSATION LID COMPLIANCE—FINAL REPORTING CYCLE.

WAC 392-140-019 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES.

WAC 392-140-020 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CLASSIFIED SALARIES.

WAC 392-140-021 1981-83 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF INSURANCE BENEFITS.

WAC 392-140-022 1981-83 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE.

WAC 392-140-023 1981-83 SALARY-COMPENSATION LID COMPLIANCE—WITHHOLDING OF BASIC EDUCATION ALLOCATION.

WSR 84-17-051
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 84-30—Filed August 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—General apportionment, chapter 392-121 WAC.

This action is taken pursuant to Notice No. WSR 84-14-056 filed with the code reviser on June 29, 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.41-.170 and 28A.41.055 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 August 13, 1984.

By Frank Brouillet
Superintendent of Public Instruction

NEW SECTION

WAC 392-121-128 DEFINITION—CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "classified increment mix factor" shall mean any one of the numbers to three decimal places which appear on the following schedule relating years of experience to a weighting factor as shown below:

<u>YEARS OF EXPERIENCE</u>	<u>WEIGHTING FACTOR</u>
0.4 or less	1.000
0.5 to 1.4	1.050
1.5 to 2.4	1.103
2.5 to 3.4	1.158
3.5 to 4.4	1.216
4.5 or more	1.276

pk of 9/5

NEW SECTION

WAC 392-121-129 DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, the term "district classified increment mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a classified increment mix factor from the schedule provided in WAC 392-121-128 to each classified employee of the school district who is employed in the school district's basic education program as determined by the school district on November 1 of each school year depending on the employee's placement on the appropriate years of experience line. Placement on the schedule provided in WAC 392-121-128 shall be according to the following criteria:

Number of years of experience in the current district job assignment(s) as defined in WAC 392-121-131:

PROVIDED, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half year or more.

(2) Multiplying the number of full-time equivalent employees as of November 1 with assigned classified increment mix factors by those factors; and

(3) Dividing the total obtained in subsection (2) of this section by the district's total number of full-time equivalent classified employees in basic education as of November 1 with assigned increment mix factors.

NEW SECTION

WAC 392-121-131 DEFINITION—CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "classified years of experience" shall mean the number of years of regularly scheduled employment, within the district in the current district job assignment(s) for each individual classified employee prior to the current reporting year, and shall be reported by the school district to the nearest tenth. Regularly scheduled part-time employment for one hundred eighty days or more shall be reported as one year of experience. Unscheduled substitute experience shall not be reported.

WSR 84-17-052
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Order 84-31—Filed August 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Group total salary and insurance benefits compliance, chapter 392-127 WAC.

This action is taken pursuant to Notice No. WSR 84-14-054 filed with the code reviser on June 29, 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.58-.095 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 13, 1984.

By Frank Brouillet
Superintendent of Public Instruction

Chapter 392-127 WAC
FINANCE—GROUP TOTAL SALARY AND INSURANCE BENEFITS COMPLIANCE

AUTHORITY AND PURPOSENEW SECTION

WAC 392-127-005 **AUTHORITY**. The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with group total salary and insurance benefit increases permitted by the state operating appropriations act.

NEW SECTION

WAC 392-127-010 **PURPOSE**. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide group total salary and insurance benefit increases that violate the provisions of RCW 28A.58.095(1) which implement the requirements of the state operating appropriations act.

DEFINITIONS—GENERALNEW SECTION

WAC 392-127-100 **DEFINITION—DAY**. As used in this chapter, "day" means the same as the term defined in WAC 392-126-100.

NEW SECTION

WAC 392-127-105 **DEFINITION—CURRENT SCHOOL YEAR**. As used in this chapter, "current school year" means the same as the term defined in WAC 392-126-105.

NEW SECTION

WAC 392-127-110 **DEFINITION—PRIOR SCHOOL YEAR**. As used in this chapter, "prior school year" means the same as the term defined in WAC 392-126-110.

DEFINITIONS—CERTIFICATED STAFFNEW SECTION

WAC 392-127-200 **DEFINITION—CERTIFICATED EMPLOYEE**. As used in this chapter, "certificated employee" means the same as the term defined in WAC 392-121-115(1).

NEW SECTION

WAC 392-127-205 **DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE**. As used in this chapter, "full-time equivalent certificated employee" means the same as the term defined in WAC 392-121-115(2).

NEW SECTION

WAC 392-127-210 **DEFINITION—FORM S-275**. As used in this chapter, "Form S-275" means the same as the term defined in WAC 392-126-210.

NEW SECTION

WAC 392-127-215 **DEFINITION—REPORT S-727**. As used in this chapter, "Report S-727" means the same as the term defined in WAC 392-126-215.

NEW SECTION

WAC 392-127-225 **DEFINITION—CERTIFICATED STAFF SALARIES**. As used in this chapter, "certificated staff salaries" means the same as the term defined in WAC 392-126-225.

NEW SECTION

WAC 392-127-235 **DEFINITION—CERTIFICATED INSURANCE BENEFITS**. As used in this chapter, "certificated insurance benefits" means the same as the term defined in WAC 392-126-235.

NEW SECTION

WAC 392-127-240 **DEFINITION—CERTIFICATED EXEMPT EMPLOYEE**. As used in this chapter, "certificated exempt employee" means each certificated employee reported on Form S-275 in the current school year who holds a position with the title of or comparable to the following:

- (1) The chief executive officer of the school district;
- (2) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the superintendent of the district, deputy superintendent, administrative assistant to the superintendent, and assistant superintendent;
- (3) Confidential employee, which means:
 - (a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining, or the administration of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;
 - (b) Any employee who assists and acts in a confidential capacity to such person; and
- (4) Any certificated person designated as being a certificated exempt employee by the public employment relations commission pursuant to RCW 41.59.020(4)(b).

NEW SECTION

WAC 392-127-245 **DEFINITION—CERTIFICATED SUPERVISORY EMPLOYEE**. As used in this chapter, "certificated supervisory employee" means each certificated employee reported on Form S-275 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "certificated supervisory employee" shall include principals, assistant (vice) principals, any person so designated by the public employee relations commission, and any employee who performs a preponderance of the above-

specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority.

NEW SECTION

WAC 392-127-250 DEFINITION—CERTIFICATED NONSUPERVISORY EMPLOYEE. As used in this chapter, "certificated nonsupervisory employee" means each certificated employee reported on Form S-275 in the current school year other than a certificated employee who meets the definition of certificated exempt employee or certificated supervisory employee.

NEW SECTION

WAC 392-127-255 DEFINITION—CERTIFICATED GROUP I. As used in this chapter, "certificated group I" means the group composed of all certificated exempt employees and those certificated supervisory employees who are not represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

NEW SECTION

WAC 392-127-260 DEFINITION—CERTIFICATED GROUP II. As used in this chapter, "certificated group II" means the group composed of all certificated nonsupervisory employees and those certificated supervisory employees who are represented by a collective bargaining agent or agents who also represent certificated nonsupervisory employees.

NEW SECTION

WAC 392-127-265 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED PROFESSIONAL EXPERIENCE AND EDUCATIONAL PREPARATION. As used in this chapter, "prior school year certificated professional experience and educational preparation" means those levels of professional experience and educational preparation determined according to the following criteria:

(1) For a certificated employee reported on Form S-275 for both the current and prior school years, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the position occupied by the certificated employee in the current school year;

(2) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the

district during the prior school year in the position occupied by the certificated employee in the current school year; and

(3) For a certificated employee reported on Form S-275 for the current school year but not reported on Form S-275 for the prior school year, in which a certificated employee occupies a position not used by the district in the prior school year, prior school year certificated professional experience and educational preparation means the professional experience and educational preparation that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in the position occupied by the certificated employee in the current school year.

NEW SECTION

WAC 392-127-270 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY. As used in this chapter, "prior school year certificated highest monthly salary" means that highest monthly salary that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year certificated professional experience and educational preparation in the same position or positions held by the employee in the current school year as reported on Form S-275.

NEW SECTION

WAC 392-127-275 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY—FOR CERTIFICATED GROUPS I AND II. As used in this chapter, "prior school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which shall mean the highest monthly salary multiplied by twelve;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year certificated average annualized salary for each respective certificated group.

NEW SECTION

WAC 392-127-280 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY—FOR CERTIFICATED

GROUPS I AND II. As used in this chapter, "current school year certificated average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual certificated employee to the appropriate certificated group;

(2) Determine the highest annualized salary for each individual certificated employee, which means the highest monthly salary multiplied by twelve, for the current school year for the individual employee reported on Form S-275;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual certificated employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective certificated group;

(5) Divide the result obtained in subsection (4) of this section for each respective certificated group by the district's number of full-time equivalent certificated employees assigned to each respective certificated group; and

(6) The result obtained in subsection (5) of this section is the current school year certificated average annualized salary for each respective certificated group.

NEW SECTION

WAC 392-127-285 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR. As used in this chapter, "prior school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable certificated group average annualized salary for certificated group I by the applicable certificated average annualized salary for certificated group II.

NEW SECTION

WAC 392-127-290 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED GROUP SALARY FACTOR. As used in this chapter, "current school year certificated group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable certificated group average annualized salary for certificated group I by the applicable certificated average annualized salary for certificated group II.

NEW SECTION

WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED GROUP I. As used in this chapter, "prior school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated group I in the same position(s) held by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated group I; and

(4) The result obtained in subsection (3) of this section is the prior school year certificated average annual insurance benefits for certificated group I.

NEW SECTION

WAC 392-127-296 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CERTIFICATED GROUP I. As used in this chapter, "current school year certificated average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual certificated employee assigned to certificated group I in the same position(s) held by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent certificated employees assigned to certificated group I; and

(4) The result obtained in subsection (3) of this section is the current school year certificated average annual insurance benefits for certificated group I.

DEFINITIONS—CLASSIFIED STAFF

NEW SECTION

WAC 392-127-300 DEFINITION—CLASSIFIED EMPLOYEE. As used in this chapter, "classified employee" means the same as the term defined in WAC 392-121-115(3).

NEW SECTION

WAC 392-127-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE. As used in this chapter, "full-time equivalent classified employee" means the same as the term defined in WAC 392-121-115(4).

NEW SECTION

WAC 392-127-310 DEFINITION—FORM S-277. As used in this chapter, "Form S-277" means the same as the term defined in WAC 392-126-310.

NEW SECTION

WAC 392-127-315 DEFINITION—REPORT S-730. As used in this chapter, "Report S-730" means the same as the term defined in WAC 392-126-315.

NEW SECTION

WAC 392-127-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" means the same as the term defined in WAC 392-126-325.

NEW SECTION

WAC 392-127-335 DEFINITION—CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "classified insurance benefits" means the same as the term defined in WAC 392-126-335.

NEW SECTION

WAC 392-127-340 DEFINITION—CLASSIFIED EXEMPT EMPLOYEE. As used in this chapter, "classified exempt employee" means each classified employee reported on Form S-277 in the current school year who holds a position with the title of or comparable to the following:

(1) The chief administrative officers of the school district, which means any employee occupying a position with the title of or comparable to the administrative assistant to the superintendent and business manager;

(2) Confidential employee, which means:

(a) Any employee who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or the conduct of collective bargaining agreements, except that the role of such person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment;

(b) Any employee who assists and acts in a confidential capacity to such person; and

(3) Any classified person designated as being a classified exempt employee by the public employment relations commission pursuant to chapter 391-35 WAC.

NEW SECTION

WAC 392-127-345 DEFINITION—CLASSIFIED SUPERVISORY EMPLOYEE. As used in this chapter, "classified supervisory employee" means each classified employee reported on Form S-277 in the current school year having authority to hire, assign, promote, transfer, layoff, recall, suspend, discipline, or discharge other employees, or to adjust their grievances, or to recommend effectively such action, if in connection with the foregoing the exercise of such authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. The term "classified supervisory employee" shall include any person so designated by the public employment relations commission, and any employee who performs a preponderance of the above-specified acts of authority—i.e., a person who has authority to perform in whole or part a majority of the above-specified acts of authority or devotes more than fifty percent of the employee's time performing one or more of the specified acts of authority.

NEW SECTION

WAC 392-127-350 DEFINITION—CLASSIFIED NONSUPERVISORY EMPLOYEE. As used in this chapter, "classified nonsupervisory employee" means each classified employee reported on Form S-277 in the current school year other than a classified employee who meets the definitions of classified exempt employee or classified supervisory employee.

NEW SECTION

WAC 392-127-355 DEFINITION—CLASSIFIED GROUP I. As used in this chapter, "classified group I" means the group composed of all classified exempt employees and those classified supervisory employees who are not represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

NEW SECTION

WAC 392-127-360 DEFINITION—CLASSIFIED GROUP II. As used in this chapter, "classified group II" means the group composed of all classified nonsupervisory employees and those classified supervisory employees who are represented by a collective bargaining agent or agents who also represent classified nonsupervisory employees.

NEW SECTION

WAC 392-127-365 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE. As used in this chapter, "prior school year classified years of experience" means the level of experience determined according to the following criteria:

(1) For a classified employee reported on Form S-277 for both the current and prior school years, the prior school year classified years of experience means the years of experience recognized by the school district for the purpose of placement of the employee on the school district's prior school year salary schedule in the various district-assigned job classification occupied by the classified employee in the current school year;

(2) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year; and

(3) For a classified employee reported on Form S-277 for the current school year but not reported on Form S-277 for the prior school year, in which a classified employee occupies a position not used by the district in the prior school year, prior school year classified years of experience means the years of experience that would have been recognized by the school district for the purpose of placement of the individual on the school district's prior school year salary schedule as if the employee had been employed by the district during the prior school year in like district-assigned job classifications occupied by the classified employee in the current school year.

NEW SECTION

WAC 392-127-370 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED HIGHEST HOURLY

RATE. As used in this chapter, "prior school year classified highest hourly rate" means that highest hourly rate that was paid or would have been paid the employee during the prior school year commensurate with the employee's prior school year classified years of experience in the various district-assigned job classifications occupied by the employee in the current year as reported on Form S-277.

NEW SECTION

WAC 392-127-375 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR CLASSIFIED GROUPS I AND II. As used in this chapter, "prior school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the highest annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective group; and

(6) The result obtained in subsection (5) of this section is the prior school year classified average annualized salary for each respective classified group.

NEW SECTION

WAC 392-127-380 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR CLASSIFIED GROUPS I AND II. As used in this chapter, "current school year classified average annualized salary" means the salary calculated in the following manner:

(1) Assign each individual classified employee to the appropriate classified group;

(2) Determine the highest annualized salary for each individual classified employee, which means the highest hourly rate multiplied by 2,080, for the current school year for the various district-assigned job classifications in which the individual was employed as reported on Form S-277;

(3) Multiply the highest annualized salary obtained in subsection (2) of this section by the full-time equivalency for the individual employee's various district-assigned job classifications occupied by the individual classified employee;

(4) Determine the total of the annualized salaries obtained in subsection (3) of this section for each respective classified group;

(5) Divide the result obtained in subsection (4) of this section for each respective classified group by the district's number of full-time equivalent classified employees assigned to each respective classified group; and

(6) The result obtained in subsection (5) of this section is the current school year classified average annualized salary for each respective classified group.

NEW SECTION

WAC 392-127-385 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED SALARY FACTOR. As used in this chapter, "prior school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the prior school year by dividing the applicable classified average annualized salary for classified group I by the applicable classified average annualized salary for classified group II.

NEW SECTION

WAC 392-127-390 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED GROUP SALARY FACTOR. As used in this chapter, "current school year classified group salary factor" means that factor, rounded to three decimal places, calculated for the current school year by dividing the applicable classified average annualized salary for classified group I by the applicable classified average salary for classified group II.

NEW SECTION

WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED GROUP I. As used in this chapter, "prior school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified group I in the various district-assigned job classifications occupied by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified group I; and

(4) The result obtained in subsection (3) of this section is the prior school year classified average annual insurance benefits for classified group I.

NEW SECTION

WAC 392-127-396 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS—FOR CLASSIFIED GROUP I. As used in this chapter, "current school year classified average annual insurance benefits" means the insurance benefits calculated in the following manner:

(1) Determine the annual insurance benefits for each individual classified employee assigned to classified group I in the various district-assigned job classifications occupied by the employee in the current school year;

(2) Determine the total of the annual insurance benefits obtained in subsection (1) of this section;

(3) Divide the result obtained in subsection (2) of this section by the district's number of full-time equivalent classified employees assigned to classified group I; and

(4) The result obtained in subsection (3) of this section is the current school year classified average annual insurance benefits for classified group I.

CERTIFICATED GROUP COMPLIANCE PROCESS

NEW SECTION

WAC 392-127-500 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED STAFF. The school district, thirty days after submittal of the current school year Form S-275, shall have on file the following certificated staff information with the necessary supporting documentation:

(1) The prior school year certificated average annualized salary for certificated group I;

(2) The prior school year certificated average annualized salary for certificated group II;

(3) The prior school year certificated group salary factor;

(4) The prior school year certificated average annual insurance benefits for certificated group I;

(5) A listing of certificated employees assigned to certificated group I, including their full-time equivalency and assigned positions; and

(6) A listing of certificated employees assigned to certificated group II, including their full-time equivalency and assigned positions.

NEW SECTION

WAC 392-127-505 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED SALARIES. The school district, ten days after completion of all salary increments and salary adjustments for either certificated group I or certificated group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year certificated average annualized salary for the certificated group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both certificated group I and certificated group II, shall have on file with the necessary supporting documentation, the current school year certificated group salary factor.

NEW SECTION

WAC 392-127-510 CERTIFICATED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CERTIFICATED INSURANCE BENEFITS. The school district, ten days after

completion of all insurance benefit adjustments for certificated group I employees, shall have on file with the necessary supporting documentation, the current school year certificated average annual insurance benefits for certificated group I.

NEW SECTION

WAC 392-127-515 CERTIFICATED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE. Upon the request of an agent representing a bargaining unit of certificated group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-500, 392-127-505, and 392-127-510.

NEW SECTION

WAC 392-127-520 CERTIFICATED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE. Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of certificated group II employee(s) shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent.

NEW SECTION

WAC 392-127-525 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT. An agent representing a bargaining unit of certificated group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-545, 392-127-550, and 392-127-555. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent.

NEW SECTION

WAC 392-127-530 CERTIFICATED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT. All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of certificated group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-520.

NEW SECTION

WAC 392-127-535 CERTIFICATED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW

BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern, which if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint.

NEW SECTION

WAC 392-127-540 CERTIFICATED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT. The superintendent of public instruction shall use the criteria outlined in WAC 392-127-545, 392-127-550, and 392-127-555 to evaluate the results of an informal review of the complaint.

NEW SECTION

WAC 392-127-545 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the current school year certificated group salary factor from the prior school year certificated group salary factor. If the result obtained in this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits salary compliance.

NEW SECTION

WAC 392-127-550 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for the certificated group I employees to the insurance benefits authorized in the appropriations act multiplied by twelve. The district shall be in compliance with the certificated insurance benefits provided if the current school year certificated average annual insurance benefits for certificated group I employees is equal to or less than the insurance benefits authorized in the appropriations act multiplied by twelve.

In the event the school district's current school year certificated average annual insurance benefits exceed the insurance benefits authorized in the appropriations act multiplied by twelve, compliance with insurance benefits shall be calculated by comparing the current school year certificated average annual insurance benefits for certificated group I employees to the prior school year certificated average annual insurance benefits provided by the school district for certificated group I employees. The district shall be in compliance with the certificated insurance benefits if the current school year certificated average annual insurance benefits for certificated group I employees is equal to or less than the prior school year

certificated average annual insurance benefits provided by the school district for certificated group I employees.

NEW SECTION

WAC 392-127-555 CERTIFICATED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-550, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the prior school year certificated average annual insurance benefits from the current school year certificated average annual insurance benefits for certificated group I;

(2) Subtract the current school year certificated group salary factor from the prior school year certificated group salary factor, or if the result is negative or zero, enter zero;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the certificated group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative, the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-560 CERTIFICATED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT. Following the informal review the superintendent of public instruction shall have ten days to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-565 and 392-127-570 unless or until such time as it is demonstrated that the district is in compliance with this chapter.

NEW SECTION

WAC 392-127-565 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-545 by the current school year certificated average annualized salary for certificated group II. The result obtained is then multiplied by the district's

number of full-time equivalent staff calculated for certificated group I. The result is further multiplied by the number of months the salary increase is provided in the appropriations act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

NEW SECTION

WAC 392-127-570 CERTIFICATED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to certificated insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-555(5) by the full-time equivalent staff in certificated group I.

NEW SECTION

WAC 392-127-575 CERTIFICATED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE. The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to be present and be a party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district.

CLASSIFIED GROUP COMPLIANCE PROCESS

NEW SECTION

WAC 392-127-600 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED STAFF. The school district, thirty days after submittal of the current school year Form S-277, shall have on file the following classified staff information with the necessary supporting documentation:

- (1) The prior school year classified average annualized salary for classified group I;
- (2) The prior school year classified average annualized salary for classified group II;
- (3) The prior school year classified group salary factor;
- (4) The prior school year classified average annual insurance benefits for classified group I;
- (5) A listing of classified employees assigned to classified group I, including their full-time equivalency and assigned positions; and

- (6) A listing of classified employees assigned to classified group II, including their full-time equivalency and assigned positions.

NEW SECTION

WAC 392-127-605 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING CLASSIFIED SALARIES. The school district, ten days after completion of all salary increments and salary adjustments for either classified group I or classified group II employees, shall have on file with the necessary supporting documentation, the appropriate current school year classified average annualized salary for the classified group for whom all salary increments and salary adjustments are completed.

The school district, ten days after completion of all salary increments and salary adjustments for both classified group I and classified group II, shall have on file with the necessary supporting documentation, the current school year classified group salary factor.

NEW SECTION

WAC 392-127-610 CLASSIFIED GROUP COMPLIANCE PROCESS—SCHOOL DISTRICT REQUIREMENTS FOR FILING OF INFORMATION REGARDING INSURANCE BENEFITS. The school district, ten days after completion of all insurance benefit adjustments for classified group I employees, shall have on file with the necessary supporting documentation, the current school year classified average annual insurance benefit for classified group I.

NEW SECTION

WAC 392-127-615 CLASSIFIED GROUP COMPLIANCE PROCESS—PROVISION OF INFORMATION TO ENSURE COMPLIANCE. Upon the request of an agent representing a bargaining unit of classified group II employee(s), the school district superintendent or the designee, shall provide said agent with the information set forth in WAC 392-127-600, 392-127-605, and 392-127-610.

NEW SECTION

WAC 392-127-620 CLASSIFIED GROUP COMPLIANCE PROCESS—PRECOMPLAINT CONFERENCE. Prior to the submission of a complaint to the superintendent of public instruction, an agent representing a bargaining unit of classified group II employee(s), shall request in writing, sent by certified mail, a meeting with the school district superintendent to discuss the particulars of the complaint in an attempt to resolve any possible factual misinterpretations by either the district or said agent.

NEW SECTION

WAC 392-127-625 CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR FILING OF A COMPLAINT. An agent representing a bargaining

unit of classified group II employee(s), may file a complaint with the superintendent of public instruction alleging a violation of WAC 392-127-645, 392-127-650, and 392-127-655. No complaint shall be accepted by the superintendent of public instruction until fifteen days after the written request to meet with the school district superintendent.

NEW SECTION

WAC 392-127-630 CLASSIFIED GROUP COMPLIANCE PROCESS—FILING OF A COMPLAINT. All complaints shall be submitted to the superintendent of public instruction in writing by certified mail with a copy to the school district superintendent. The complainant, an agent representing a bargaining unit of classified group II employee(s), shall set forth the particulars of why the complainant believes the school district to be out of compliance with the group total salary and insurance benefits requirements. The complainant shall provide to the superintendent of public instruction documentation that a precomplaint conference has been requested pursuant to WAC 392-127-620.

NEW SECTION

WAC 392-127-635 CLASSIFIED GROUP COMPLIANCE PROCESS—INFORMAL REVIEW BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. Upon receipt of the complaint, the superintendent of public instruction or the designee shall determine whether the complaint states a factual pattern which, if true, may result in a violation meriting an informal review. If so, an informal review shall be scheduled with the involved parties to review the evidence bearing on the particulars of the complaint. It shall be the responsibility of the complainant to submit at that time clear and convincing evidence supporting the particulars of the complaint.

NEW SECTION

WAC 392-127-640 CLASSIFIED GROUP COMPLIANCE PROCESS—CRITERIA FOR EVALUATION BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION OF A COMPLAINT. The superintendent of public instruction shall use the criteria outlined in WAC 392-127-645, 392-127-650, and 392-127-655 to evaluate the results of an informal review of the complaint.

NEW SECTION

WAC 392-127-645 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY. Compliance shall be calculated by subtracting the current school year classified group salary factor from the prior school year classified group salary factor. If the result obtained of this calculation is negative, the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-650 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON. Compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for the classified group I employees to the insurance benefits authorized in the appropriations act multiplied by twelve. The district shall be in compliance with the classified insurance benefits provided if the average current school year classified annual insurance benefits for classified group I employees is equal to or less than the insurance benefits authorized in the appropriations act multiplied by twelve.

In the event the school district's current school year classified insurance benefits exceed the insurance benefits authorized in the appropriations act multiplied by twelve, compliance for insurance benefits shall be calculated by comparing the current school year classified average annual insurance benefits for classified group I employees to the prior school year classified average annual insurance benefits provided by the school district for classified group I employees. The district shall be in compliance with the classified insurance benefits if the current school year classified average annual insurance benefits for classified group I employees is equal to or less than the prior school year classified average annual insurance benefits provided by the school district for classified group I employees.

NEW SECTION

WAC 392-127-655 CLASSIFIED GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE. If the school district is not found to be in compliance with WAC 392-127-650, compliance for insurance benefits shall be calculated as follows:

(1) Subtract the classified prior school year average annual insurance benefits from the classified current school year average annual insurance benefits for classified group I;

(2) Subtract the current school year classified factor from the prior school year classified factor, or if the result is negative or zero, enter zero;

(3) Multiply the result obtained in subsection (2) of this section by the average salary calculated for the classified group II employees for the prior school year;

(4) Subtract the result obtained in subsection (1) of this section from the result obtained in subsection (3) of this section; and

(5) If the result obtained in subsection (4) of this section is negative the district shall be found to have violated the group total salary and insurance benefits compliance.

NEW SECTION

WAC 392-127-660 CLASSIFIED GROUP COMPLIANCE PROCESS—FINAL DETERMINATION OF COMPLAINT. Following the informal review the superintendent of public instruction shall have ten days

to make a determination based on a clear and convincing standard of proof as to whether or not the district is in violation of group total salary and insurance benefits compliance. The superintendent of public instruction shall notify the district and complainant of the final status regarding the compliance of the district. If the district is found out of compliance with this chapter, the superintendent of public instruction shall withhold the amount of the penalty calculated in WAC 392-127-665 and 392-127-670 unless or until such time as it is demonstrated that the district is in compliance with this chapter.

NEW SECTION

WAC 392-127-665 CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified salaries, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-645 by the current school year classified average annualized salary for classified group II. The result obtained is then multiplied by the district's number of full-time equivalent staff calculated for classified group I. The result is further multiplied by the number of months the salary increase is provided in the appropriations act currently in effect divided by twelve. The result obtained shall be the amount to be withheld. The amount to be withheld shall be entered as a negative adjustment to the next monthly apportionment payment after the district receives written notification that the funds are to be withheld.

NEW SECTION

WAC 392-127-670 CLASSIFIED GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS. If the superintendent of public instruction has determined that a school district has violated the group total salary and insurance benefits compliance relative to classified insurance benefits, the superintendent of public instruction shall direct the assistant superintendent for financial services to withhold for the current school year the amount calculated by multiplying the result obtained in WAC 392-127-655(5) by the full-time equivalent staff in classified group I.

NEW SECTION

WAC 392-127-675 CLASSIFIED GROUP COMPLIANCE PROCESS—RETURN TO COMPLIANCE. The district, after being found out of compliance, may request a second informal review. The superintendent of public instruction shall schedule a meeting in order to allow the district to demonstrate that it is in compliance. The complainant shall be invited to

be present and be party to this second informal review. If the superintendent of public instruction agrees the district has come back into compliance, the penalty withheld shall be returned to the district.

WSR 84-17-053
ADOPTED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Order 84-32—Filed August 13, 1984]

I, Frank B. Brouillet, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Finance—Salary compensation lid compliance, chapter 392-126 WAC.

This action is taken pursuant to Notice No. WSR 84-14-055 filed with the code reviser on June 29, 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.58.095 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 13, 1984.

By Frank Brouillet
 Superintendent of Public Instruction

Chapter 392-126 WAC
FINANCE—SALARY—COMPENSATION LID
COMPLIANCE

AUTHORITY AND PURPOSE

NEW SECTION

WAC 392-126-005 AUTHORITY. The authority for this chapter is RCW 28A.58.095 which authorizes the superintendent of public instruction to adopt rules and regulations to ensure school district compliance with the salary-compensation lid of the state operating appropriations act.

NEW SECTION

WAC 392-126-010 PURPOSE. The purpose of this chapter is to set forth policies and procedures to ensure that no school district board of directors shall provide salary and compensation increases from any fund source whatsoever in excess of the amount and/or percentage as may be provided for employees in the state operating appropriations act in effect at the time the compensation is payable.

DEFINITIONS—GENERAL

NEW SECTION

WAC 392-126-100 DEFINITION—DAY. As used in this chapter, "day" shall mean a calendar day. The number of days shall be counted by excluding the first day and including the last day, unless the last day is a holiday or Sunday, and then it is also excluded.

NEW SECTION

WAC 392-126-105 DEFINITION—CURRENT SCHOOL YEAR. As used in this chapter, "current school year" shall mean the school year for which the district is being monitored for compliance.

NEW SECTION

WAC 392-126-110 DEFINITION—PRIOR SCHOOL YEAR. As used in this chapter, "prior school year" shall mean the school year immediately preceding the current school year.

NEW SECTION

WAC 392-126-115 DEFINITION—COMPENSATION. As used in this chapter, "compensation" shall mean the total dollar amount which a district has agreed to provide staff for employment services to the district for the school year in the form of certificated and classified staff salaries and insurance benefits as those terms are defined in this chapter.

NEW SECTION

WAC 392-126-120 DEFINITION—LEAP DOCUMENT 5. As used in this chapter, "LEAP Document 5" shall mean the computer tabulation of the derived base salaries for basic education certificated staff, and the average salaries for basic education classified staff as established in the 1983-85 state operating appropriations act in effect at the time.

NEW SECTION

WAC 392-126-125 DEFINITION—REDUCTION IN FORCE (RIF). As used in this chapter, "reduction in force" (RIF) shall mean any person employed by a school district during the prior school year and reported on Form S-275 or Form S-277 for that year whose employment in the district's basic education program has been terminated by the district prior to the reporting dates for the Form S-275 and the Form S-277 for the current school year pursuant to a RIF policy adopted by the district and shall be reported by the district to the superintendent of public instruction on Form 1040 for certificated persons and on Form 1045 for classified persons.

NEW SECTION

WAC 392-126-130 DEFINITION—NEW POSITION. As used in this chapter, "new position" shall mean a newly established job in a school district's basic education program in either the certificated employee category or the classified employee category which meets both of the following criteria:

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

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

New positions shall be reported by the district to the superintendent of public instruction on Form 1041 for certificated persons or on Form 1046 for classified persons.

NEW SECTION

WAC 392-126-135 DEFINITION—REPORT 1191. As used in this chapter, "Report 1191" shall mean the monthly statement of a school district's estimated basic education allocation for the current school year calculated by the superintendent of public instruction and distributed to school districts each month.

DEFINITIONS—CERTIFICATED STAFFNEW SECTION

WAC 392-126-200 DEFINITION—CERTIFICATED EMPLOYEE. As used in this chapter, "certificated employee" shall mean the same as the term defined in WAC 392-121-115(1).

NEW SECTION

WAC 392-126-205 DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE. As used in this chapter, "full-time equivalent certificated employee" shall mean the same as the term defined in WAC 392-121-115(2).

NEW SECTION

WAC 392-126-210 DEFINITION—FORM S-275. As used in this chapter, "Form S-275" shall mean the certificated personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual certificated employee's name, certificate number, educational level, years of professional work experience, contract days, annual salary, fringe benefits and insurance benefits for the year, work assignment(s) and full-time equivalency. This report serves as the basis for placement of each certificated employee on LEAP Document 1 and provides salary and compensation data for each certificated employee attributable to services to be performed during the affected school year. This report shall include only certificated individuals employed by the district as of October 1 of the school year.

NEW SECTION

WAC 392-126-215 DEFINITION—REPORT S-727. As used in this chapter, "Report S-727" shall mean the alphabetic listing of certificated personnel employed by the district on October 1 as prepared by the superintendent of public instruction from data submitted by the

district on the Form S-275 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year.

NEW SECTION

WAC 392-126-220 DEFINITION—BASIC EDUCATION CERTIFICATED STAFF. As used in this chapter, "basic education certificated staff" shall mean all full-time equivalent certificated staff reported on Form S-275 in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97.

NEW SECTION

WAC 392-126-225 DEFINITION—CERTIFICATED STAFF SALARIES. As used in this chapter, "certificated staff salaries" shall mean those moneys which a school district has agreed to pay all certificated staff who are employed as of October 1 of each school year under terms of basic or regular employment contracts between the district and certificated staff, exclusive of those moneys which are to be paid for a certificated employee's summer school or extracurricular duties regardless of whether such duties are a part of the regular employment contract or a supplemental employment contract, as reported to the superintendent of public instruction on Form S-275. Moneys paid to certificated staff hired on an hourly basis are not included in this definition.

NEW SECTION

WAC 392-126-230 DEFINITION—CERTIFICATED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "certificated staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education certificated staff salaries reported on the current school year Form S-275 and calculated as follows:

- (1) Determine the highest annualized salary, which shall mean the highest monthly salary multiplied by twelve, that was paid or would have been paid during the current school year for the individual reported on Form S-275;
- (2) Multiply the highest annualized salary by the full-time equivalency for the individual;
- (3) Add all such calculations for individuals assigned to the basic education program; and
- (4) The result obtained in subsection (3) of this section shall be the certificated staff highest annual salaries for the current school year.

NEW SECTION

WAC 392-126-235 DEFINITION—CERTIFICATED INSURANCE BENEFITS. As used in this chapter, "certificated insurance benefits" shall mean the

district cost for those items of protection designed to benefit individual certificated employees of the school district and their dependents as set forth in RCW 28A-58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining processes as reported to the superintendent of public instruction for certificated staff on Form S-275.

NEW SECTION

WAC 392-126-240 DEFINITION—LEAP DOCUMENT 1. As used in this chapter, "LEAP Document 1" shall mean the same as the term defined in WAC 392-121-120.

NEW SECTION

WAC 392-126-245 DEFINITION—STAFF MIX FACTOR. As used in this chapter, "staff mix factor" shall mean the same as the term defined in WAC 392-121-121.

NEW SECTION

WAC 392-126-250 DEFINITION—DISTRICT STAFF MIX FACTOR. As used in this chapter, "district staff mix factor" shall mean the same as the term defined in WAC 392-121-125.

NEW SECTION

WAC 392-126-255 DEFINITION—DISTRICT CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "certificated district derived base salary" shall mean the salary amount calculated as follows:

- (1) Divide a district's certificated staff highest annual salaries for the current school year by the district's number of full-time equivalent basic education certificated staff for the current school year to obtain an average salary amount for the current school year;
- (2) The average salary amount is then divided by the district staff mix factor for the current school year; and
- (3) The quotient obtained is the district certificated derived base salary for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-260 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY. As used in this chapter, "maximum allowed basic education certificated derived base salary" shall mean the appropriate district certificated derived base salary shown on LEAP Document 5 improved by \$1,089.97 for the 1984-85 school year. In the event that maximum allowed basic education certificated derived base salary is less than the district's reported prior school year certificated derived base salary, the district may request on Form 1043 that the superintendent of public instruction use the reported prior school year certificated derived base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount

shown in this section is for purpose of calculating compliance only and is not the amount authorized for salary increases in the 1984-85 school year.

NEW SECTION

WAC 392-126-265 DEFINITION—MAXIMUM ALLOWED CERTIFICATED INSURANCE BENEFITS. As used in this chapter, "maximum allowed certificated insurance benefits" shall mean the insurance benefit amount specified in the state operating appropriations act of one hundred seventy-nine dollars multiplied by twelve months per full-time equivalent staff unit for the 1984-85 school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the appropriations act multiplied by twelve months, the district's maximum allowed certificated insurance benefits shall be the district's reported prior school year actual average annual insurance benefits.

NEW SECTION

WAC 392-126-270 DEFINITION—FORM 1040. As used in this chapter, "Form 1040" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-610.

NEW SECTION

WAC 392-126-275 DEFINITION—FORM 1041. As used in this chapter, "Form 1041" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education certificated staff with their job classifications meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-610.

NEW SECTION

WAC 392-126-280 DEFINITION—FORM 1042. As used in this chapter, "Form 1042" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education certificated staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-510.

NEW SECTION

WAC 392-126-285 DEFINITION—FORM 1043. As used in this chapter, "Form 1043" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year certificated derived base salary be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-260.

DEFINITIONS—CLASSIFIED STAFF

NEW SECTION

WAC 392-126-300 DEFINITION—CLASSIFIED EMPLOYEE. As used in this chapter, "classified employee" shall mean the same as the term defined in WAC 392-121-115(3).

NEW SECTION

WAC 392-126-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE. As used in this chapter, "full-time equivalent classified employee" shall mean the same as the term defined in WAC 392-121-115(4).

NEW SECTION

WAC 392-126-310 DEFINITION—FORM S-277. As used in this chapter, "Form S-277" shall mean the classified personnel report which is distributed annually by the superintendent of public instruction on or before September 1 and which includes such items as the individual classified employee's name, social security number, work assignment, hourly rate of pay, hours worked per day, days worked per year, years of experience, amount of fringe benefits and insurance benefits for each classified employee attributable to services to be performed during the affected school year. This report shall include only classified individuals employed by the district as of November 1 of the school year.

NEW SECTION

WAC 392-126-315 DEFINITION—REPORT S-730. As used in this chapter, "Report S-730" shall mean the alphabetic listing of classified personnel employed by the district on November 1 as prepared by the superintendent of public instruction from data submitted by the district on Form S-277 for the school year. This report is updated by the district and submitted to the superintendent of public instruction as changes occur during the school year.

NEW SECTION

WAC 392-126-320 DEFINITION—BASIC EDUCATION CLASSIFIED STAFF. As used in this chapter, "basic education classified staff" shall mean all full-time equivalent classified staff reported on Form S-277 in the following programs as specified in the Accounting Manual for Public School Districts in the State of Washington:

- (1) Basic Education, Program 01;
- (2) Secondary Vocational Education, Program 31;
- (3) General Instructional Support, Program 94; and
- (4) General Support, Program 97.

NEW SECTION

WAC 392-126-325 DEFINITION—CLASSIFIED STAFF SALARIES. As used in this chapter, "classified staff salaries" shall mean moneys which a district has agreed to pay, exclusive of extracurricular duties and overtime pay, to all classified staff who are

employed as of November 1 of each school year as reported to the superintendent of public instruction on Form S-277.

NEW SECTION

WAC 392-126-330 DEFINITION—CLASSIFIED STAFF HIGHEST ANNUAL SALARIES. As used in this chapter, "classified staff highest annual salaries" shall mean after completion of all adjustments, the district's aggregate basic education classified staff salaries reported on the current school year Form S-277 and calculated as follows:

- (1) Determine the highest hourly rate(s) that was paid or would have been paid during the current school year for one or more district-assigned job classification(s) in which the individual was reported on Form S-277;
- (2) Multiply the highest hourly rate(s) by two thousand eighty hours and further multiply the result by the full-time equivalency for one or more district-assigned job classification(s) occupied by the individual;
- (3) Add all such calculations for individuals assigned to the basic education program; and
- (4) The result obtained in subsection (3) of this section shall be the classified staff highest annual salaries for the current school year.

NEW SECTION

WAC 392-126-335 DEFINITION—CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "classified insurance benefits" shall mean the district cost for those items of protection designed to benefit individual employees of the school district and their dependents as set forth in RCW 28A.58.420 which may be selected at the option of the employee or may be negotiated as a part of the collective bargaining processes as reported to the superintendent of public instruction for classified staff on Form S-277.

NEW SECTION

WAC 392-126-340 DEFINITION—CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "classified increment mix factor" shall mean the same as the term defined in WAC 392-121-128.

NEW SECTION

WAC 392-126-345 DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR. As used in this chapter, "district classified increment mix factor" shall mean the same as the term defined in WAC 392-121-129.

NEW SECTION

WAC 392-126-350 DEFINITION—STATE-SUPPORTED CLASSIFIED INCREMENT MIX FACTOR ADJUSTMENT. As used in this chapter, "state-supported classified increment mix factor adjustment" shall mean the adjustment factor for each district calculated as follows:

(1) Divide the district classified increment mix factor for the current school year by the district classified increment mix factor for the prior school year;

(2) Subtract one from the result obtained in subsection (1) of this section;

(3) Multiply the result obtained in subsection (2) of this section by the state level of support as of the November apportionment payment for state recognized increment allocations expressed as a percentage and calculated by dividing available appropriation authority by the formula allocation calculated at one hundred percent of support;

(4) Add one to the result obtained in subsection (3) of this section; and

(5) The result obtained is the state-supported classified increment mix factor adjustment for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-355 DEFINITION—DISTRICT CLASSIFIED ADJUSTED BASE SALARY. As used in this chapter, "district classified adjusted base salary" shall mean the salary amount calculated as follows:

(1) Divide the district's classified staff highest average annual salaries for the current school year by the district's number of full-time equivalent basic education classified staff for the current school year to obtain the average classified salary for the current school year;

(2) Divide the result obtained in subsection (1) of this section by the state-supported classified increment mix factor adjustment; and

(3) The result obtained is the district classified adjusted base salary for the current school year for purpose of salary compliance.

NEW SECTION

WAC 392-126-360 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED ADJUSTED BASE SALARY. As used in this chapter, "maximum allowed basic education classified adjusted base salary" shall mean the appropriate district average salary shown on LEAP Document 5 improved by \$1,155.91 for the 1984-85 school year. In the event that the maximum allowed basic education classified adjusted base salary is less than the district's reported prior school year classified adjusted base salary, the district may request on Form 1048 that the superintendent of public instruction use the reported prior school year classified adjusted base salary instead of that calculated in this section for the purpose of determining compliance with this chapter. The dollar amount shown in this section is for purpose of calculating compliance only and is not the amount authorized for salary increases in the 1984-85 school year.

NEW SECTION

WAC 392-126-365 DEFINITION—MAXIMUM ALLOWED CLASSIFIED INSURANCE BENEFITS. As used in this chapter, "maximum allowed classified insurance benefits" shall mean the insurance

benefit amount authorized in the state operating appropriations act of one hundred seventy-nine dollars multiplied by twelve months per full-time equivalent staff unit for the 1984-85 school year. In the event that the district's reported prior school year actual average annual insurance benefit per full-time equivalent staff unit exceeds the insurance benefit amount authorized in the appropriations act multiplied by twelve months, the district's maximum allowed classified insurance benefits shall be the district's reported prior school year actual average annual insurance benefits. For the purpose of establishing the maximum allowed classified insurance benefits for classified employees, a full-time equivalent employee is an employee contracted to work 1,440 hours per year or more for the 1984-85 school year.

NEW SECTION

WAC 392-126-370 DEFINITION—FORM 1045. As used in this chapter, "Form 1045" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff meeting the definition of "RIF" as provided in WAC 392-126-125 and submit to the superintendent of public instruction pursuant to WAC 392-126-810.

NEW SECTION

WAC 392-126-375 DEFINITION—FORM 1046. As used in this chapter, "Form 1046" shall mean the form distributed by the superintendent of public instruction on which the school district may list basic education classified staff with their job classification meeting the definition of "new position" as provided in WAC 392-126-130 and submit to the superintendent of public instruction pursuant to WAC 392-126-810.

NEW SECTION

WAC 392-126-380 DEFINITION—FORM 1047. As used in this chapter, "Form 1047" shall mean the form distributed by the superintendent of public instruction on which the school district may state no basic education classified staff in the school district received an increase in salary or insurance benefits in the current school year and submit to the superintendent of public instruction pursuant to WAC 392-126-710.

NEW SECTION

WAC 392-126-385 DEFINITION—FORM 1048. As used in this chapter, "Form 1048" shall mean the form distributed by the superintendent of public instruction on which the school district may request the district's reported prior school year classified adjusted base salary be used for the purpose of determining compliance and submit to the superintendent of public instruction pursuant to WAC 392-126-360.

SALARY COMPENSATION LID COMPLIANCE— CALCULATIONS FOR CERTIFICATED STAFF

NEW SECTION

WAC 392-126-500 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-510, compliance with the salary-compensation lid shall be calculated as follows:

For basic education certificated staff, if the district's reported certificated derived base salary exceeds the district's maximum allowed certificated derived base salary, the district shall be considered in violation of the salary-compensation lid for the current school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1040 pursuant to WAC 392-126-610 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1041 pursuant to WAC 392-126-610 may exclude new positions as defined in WAC 392-126-130.

NEW SECTION

WAC 392-126-505 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF CERTIFICATED INSURANCE BENEFITS. Insurance benefit increases granted certificated employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per month per full-time equivalent certificated staff unit authorized in the appropriations act for the current school year. If insurance benefits granted certificated employees in the prior school year were in excess of the maximum allowed certificated insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed certificated insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted certificated employees exceeds the maximum allowed certificated insurance benefit, the district may certify to the superintendent of public instruction on Form 1042 that:

(1) For those certificated employees whose prior school year insurance benefits exceeded the maximum allowed certificated insurance benefits for the current school year, the average of those employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those certificated employees whose prior school year insurance benefits were equal to or less than the maximum allowed certificated insurance benefits, the average of these employees' current school year insurance benefits does not exceed one hundred seventy-nine dollars multiplied by twelve months.

NEW SECTION

WAC 392-126-510 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE—CERTIFICATED STAFF. If the superintendent of public instruction has determined that a district's certificated derived base salary for the current school year exceeds the maximum allowed certificated derived base pursuant to WAC 392-126-500, or a district's payment for insurance benefits for certificated staff exceeds the amount specified for the current school year in the appropriations act, the district may certify to the superintendent of public instruction on Form 1042 that it gave no salary increase pursuant to WAC 392-126-500 or insurance benefit increase pursuant to WAC 392-126-505, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

SALARY COMPENSATION LID COMPLIANCE
PROCESS—CERTIFICATED STAFF

NEW SECTION

WAC 392-126-600 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CERTIFICATED STAFF. Each school district shall provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for certificated staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-270, 392-126-275, 392-126-280, and 392-126-285 for certificated employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-126-605 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT INITIAL EDIT OF CERTIFICATED PERSONNEL DATA. The superintendent of public instruction shall return to each school district Reports S-727 as specified in WAC 392-126-215. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-126-610 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION—CERTIFICATED STAFF. The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid for certificated staff pursuant to WAC 392-126-500. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-126-615 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CERTIFICATED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for certificated staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to the superintendent of public instruction on forms specified in WAC 392-126-270 through 392-126-285. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-630 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyse additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does

not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-630 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-126-620 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CERTIFICATED STAFF. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for certificated staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-630.

NEW SECTION

WAC 392-126-625 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT SUBSEQUENT CHANGES OF CERTIFICATED PERSONNEL DATA. In the event a school district changes certificated personnel data reported on Form S-275 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., superintendent of the district, assistant superintendent, principal, assistant principal, teacher, counselor, pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-126-610 through 392-126-620 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-126-630 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION-CERTIFICATED STAFF. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for certificated staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent for financial

services to withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

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

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

SALARY COMPENSATION LID COMPLIANCE— CALCULATIONS FOR CLASSIFIED STAFF

NEW SECTION

WAC 392-126-700 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF AVERAGE CLASSIFIED SALARIES. Unless compliance is demonstrated by the provisions of WAC 392-126-710, compliance with the salary-compensation lid shall be calculated as follows:

For basic education classified staff, if the district's reported classified adjusted base salary exceeds the district's maximum allowed classified adjusted base salary the district shall be considered in violation of the salary-compensation lid for the current school year: PROVIDED, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1045 pursuant to WAC 392-126-810 may exclude persons not employed in a district because of RIF as defined in WAC 392-126-125: PROVIDED FURTHER, That the compliance calculation made after the district submits additional information to the superintendent of public instruction on Form 1046 pursuant to WAC 392-126-810 may exclude new positions as defined in WAC 392-126-130.

NEW SECTION

WAC 392-126-705 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF CLASSIFIED INSURANCE BENEFITS. Insurance benefit increases granted classified employees shall constitute a portion of the district's salary increase whenever a district's contribution to employee insurance benefits will exceed, by virtue of the increase, the amount per

month per full-time equivalent classified staff unit authorized in the appropriations act for the current school year. If insurance benefits granted classified employees in the prior school year were in excess of the maximum allowed classified insurance benefit level for the current school year, then only that part granted to employees for the current school year in excess of the prior school year maximum allowed classified insurance benefit level shall constitute a portion of the district's salary increase for the current school year.

In the event that the district's insurance benefits granted classified employees exceeds the maximum allowed classified insurance benefit, the district may certify to the superintendent of public instruction on Form 1047 that:

(1) For those classified employees whose prior school year insurance benefits exceeded the maximum allowed classified insurance benefits for the current school year, the average of these employees' current school year insurance benefits does not exceed the average of these employees' prior school year insurance benefits; and

(2) For those classified employees whose prior school year insurance benefits were equal to or less than the maximum allowed classified insurance benefits, the average of these employees' current school year insurance benefits does not exceed one hundred seventy-nine dollars multiplied by twelve months.

NEW SECTION

WAC 392-126-710 SALARY-COMPENSATION LID COMPLIANCE—NO INCREASES CONSTITUTE COMPLIANCE—CLASSIFIED STAFF. If the superintendent of public instruction has determined that a district's classified adjusted base salary for the current school year exceeds the maximum allowed classified adjusted base salary pursuant to WAC 392-126-700, or a district's payment for insurance benefits for classified staff exceeds the amounts specified for the current school year in the Appropriations Act, the district may certify to the superintendent of public instruction on Form 1047 that it gave no salary increase pursuant to WAC 392-126-700 or insurance benefit increase pursuant to WAC 392-126-705, and the superintendent of public instruction shall not withhold basic education funds from that district for that year.

The school district shall have on file appropriate documentation supporting that no job classification as certified above received an increase in salary or insurance benefits. Such documentation may include but not be limited to district salary schedules, bargaining agreements, employee contracts or copies of school district board minutes.

SALARY COMPENSATION LID COMPLIANCE PROCESS—CLASSIFIED STAFF

NEW SECTION

WAC 392-126-800 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—CLASSIFIED STAFF. Each school district shall

provide upon request of the superintendent of public instruction such data as the superintendent of public instruction deems appropriate to serve as the basis for determining whether or not the district is in compliance with the salary-compensation lid for classified staff. The superintendent of public instruction shall provide each district with forms as specified in WAC 392-126-370, 392-126-375, 392-126-380, and 392-126-385 for classified employees and shall advise each district by published bulletin of the due dates established by the superintendent of public instruction for the return of such completed forms.

NEW SECTION

WAC 392-126-805 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DISTRICT INITIAL EDIT OF CLASSIFIED PERSONNEL DATA. The superintendent of public instruction shall return to each school district Reports S-730 as specified in WAC 392-126-315. Each district shall edit such data and return the edited reports to the superintendent of public instruction within forty-five calendar days from the date appearing on the reports.

NEW SECTION

WAC 392-126-810 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION—CLASSIFIED STAFF. The superintendent of public instruction shall review the edited data and make a determination as to whether or not additional information is necessary in order to determine whether or not a district is in violation of the salary-compensation lid for classified staff pursuant to WAC 392-126-700. The superintendent of public instruction shall notify in writing any district where additional information is necessary in order to determine whether or not the district is in violation of the salary-compensation lid. Within five calendar days of receiving such notification from the superintendent of public instruction, the school district shall inform all recognized bargaining units of the receipt of the notification.

NEW SECTION

WAC 392-126-815 SALARY-COMPENSATION LID COMPLIANCE—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION—CLASSIFIED STAFF. Any school district for which the superintendent of public instruction has determined additional information is necessary to determine whether or not the district is in violation of the salary-compensation lid for classified staff may submit additional data to the superintendent of public instruction: PROVIDED, That the superintendent of public instruction receives such additional data within forty-five calendar days from the date appearing on the salary compliance notice of the need for additional information from the superintendent of public instruction. The school district shall submit such additional data to

the superintendent of public instruction on forms specified in WAC 392-126-370 through 392-126-385. If the superintendent of public instruction does not receive such additional information in a timely manner, the district shall be notified that the amount of the penalty shall be withheld pursuant to WAC 392-126-830 until such time as the district demonstrates compliance for that year. The superintendent of public instruction shall analyze additional information submitted by the district and determine whether or not the district is in compliance based upon all data received. The superintendent of public instruction shall notify the district in writing of such determination. Within fifteen calendar days from the date appearing on such notice, the district may request an informal review of all data and calculations made by the superintendent of public instruction. Such informal review shall be arranged at a time which is mutually agreed to by the superintendent of public instruction and the district. Such informal review shall occur within thirty calendar days from the date appearing on such notice. If the district does not request an informal review within fifteen calendar days from the date appearing on such notice or if the informal review does not occur within thirty calendar days from the date appearing on such notice, the superintendent of public instruction shall withhold the amount of the penalty pursuant to WAC 392-126-830 unless or until such time as the district demonstrates compliance for that year.

NEW SECTION

WAC 392-126-820 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CLASSIFIED STAFF. Following the informal review, the superintendent of public instruction shall have ten calendar days to make a determination as to whether or not the district is in violation of the salary-compensation lid for classified staff. The superintendent of public instruction shall notify, in writing, any district that is in violation of the salary-compensation lid and shall withhold the amount of the penalty unless or until such time as the district demonstrates compliance pursuant to WAC 392-126-830.

NEW SECTION

WAC 392-126-825 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT SUBSEQUENT CHANGES OF CLASSIFIED PERSONNEL DATA. In the event a school district changes classified personnel data reported on Form S-277 for the current year or increases the rate of salary or compensation payment for a job classification—e.g., director, supervisor, secretary, custodian—pursuant to a collective bargaining settlement or individual negotiations during the school year, the district shall notify the superintendent of public instruction in writing of such action within ten calendar days of such action. The superintendent of public instruction within five calendar days of such notification shall send the district a report of the most recent appropriate personnel

data on file in the superintendent of public instruction's office. The district shall make corrections to appropriate salary or compensation items on the personnel data report on an annualized basis and return the corrected report to the superintendent of public instruction within thirty calendar days from the date appearing on the report. Upon receipt of such corrected report the superintendent of public instruction shall take the steps outlined in WAC 392-126-810 through 392-126-820 to determine whether or not the district is in compliance with the salary-compensation lid and promptly notify the district of such determination.

NEW SECTION

WAC 392-126-830 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION-CLASSIFIED STAFF. If the superintendent of public instruction finds that a school district has violated the salary-compensation lid for classified staff pursuant to this chapter, the superintendent of public instruction shall direct the assistant superintendent of financial services to withhold for the current school year, the actual amount of the violation as shown on the notice when applied to the district's respective basic education allocation.

The amount to be withheld shall be entered as a negative adjustment in the basic education monthly apportionment payment as soon as possible after the district receives written notification that funds are to be withheld.

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

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

WSR 84-17-054

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-105—Filed August 13, 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 net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in Areas 8A, 12 and 12B provide opportunity to harvest full non-Indian chinook allocation that would otherwise not be taken by traditional means. All other areas are closed to prevent overharvest. Troll fishery extension in Areas 5 and 6C consistent with IPSFC sockeye fishery extension.

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

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

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

APPROVED AND ADOPTED August 13, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-906 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

**Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Monday and Tuesday, August 13 and 14.*

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

Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM nightly August 13 through the morning of August 16. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

Areas 8A, 12, and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 7:00 PM to 9:30 AM August 13

through the morning of August 16, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 13, 14, and 15. Fishery exclusion zones applicable to Areas 8A and 12B commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-905 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-104)

WSR 84-17-055 EMERGENCY RULES BOARD FOR

COMMUNITY COLLEGE EDUCATION

[Order 99, Resolution No. 84-27—Filed August 14, 1984]

Be it resolved by the State Board for Community College Education, acting at Seattle, Washington, that it does promulgate and adopt the annexed rules relating to tuition and fee waivers for unemployed and underemployed Washington residents who wish to enroll in community colleges on a space-available basis.

We, the State Board for Community College Education, find that an emergency exists and that the foregoing order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting such emergency is the appropriate notice for adoption as permanent rules was inadvertently filed too late to allow such adoption at this time. Such rules are therefore adopted as emergency rules to take effect upon filing with the code reviser. This will allow the program to operate during registration for fall quarter, 1984.

This rule is promulgated pursuant to chapter 50, Laws of 1984, and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED June 28, 1984.

By Gilbert J. Carbone
Assistant Director

NEW SECTION

WAC 131-28-090 TUITION AND FEE WAIVERS FOR UNEMPLOYED AND UNDEREMPLOYED RESIDENT STUDENTS. (1) The purpose of this section is to carry out the intent of the legislature to provide tuition-free educational opportunities for unemployed and underemployed individuals who wish to attend a Washington community college on a space-available basis.

(2) Pursuant to authority granted by chapter 50, Laws of 1984, community college districts may waive, in whole or in part, tuition, operating fees, and services and activities fees for any individual who:

(a) Is a resident student as defined by RCW 28B.15.012(2);

(b) Will have attained age twenty-one prior to the first day of instruction on the basis of such waiver;

(c) Has not attended an institution of higher education during the six-month period immediately prior to the first day of instruction, other than pursuant to this section;

(d) Is not receiving or eligible to receive unemployment compensation funded by federal, state matching, or trade readjustment benefit sources;

(e) Has a monthly household income below four hundred sixty-five dollars for a single person and an additional one hundred thirty dollars for each additional household member or the successor values to these amounts as may be subsequently established by the department of social and health services as need standards for assistance determination purposes;

(f) Has been or will have been unemployed for at least six months prior to the first day of instruction or is underemployed as evidenced by monthly income for the preceding six-month period below the level established in (e) of this subsection.

(3) Enrollments made pursuant to this section shall be on a space available basis.

(4) No new course sections shall be created as a result of enrollments based on waivers authorized by this section.

(5) Enrollment information on students registered pursuant to this section shall be maintained separately from other enrollment information and shall not be included in official enrollment reports, nor be considered in any enrollment statistics which would affect budgetary determinations.

(6) Persons enrolled pursuant to this section shall have the same access to support services as do all other students and shall be subject to all course prerequisites and requirements.

WSR 84-17-056**EMERGENCY RULES****DEPARTMENT OF****NATURAL RESOURCES**

[Order 425—Filed August 14, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the adoption of an emergency rule describing restrictions on outdoor rule burning in parts of eastern Washington under the protection of the Department of Natural Resources, in the northeast area. Burning privileges granted under WAC 332-24-090 are suspended effective midnight August 15, 1984, through midnight September 3, 1984.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to the continued decline in fuel moistures, the increasing number of escaped outdoor rule burn fires, and an increase in the number of false alarms resulting from rule burns, there exists a need to control the use of fire. This control is necessary to reduce the possibility of a large uncontrolled fire from occurring and to ensure that suppression personnel are available to take action on actual uncontrolled fires threatening life and property.

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

This rule is promulgated pursuant to RCW 76.04.150 and 76.04.200 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 76.04.150 which directs that the Department of Natural Resources has authority to implement the provisions of WAC 332-24-070, general rules for outdoor fire for recreational or debris disposal.

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

APPROVED AND ADOPTED August 14, 1984.

By Brian J. Boyle
Commissioner of Public LandsNEW SECTION

WAC 332-26-100 OUTDOOR RULE BURNING SUSPENSION IN PARTS OF EASTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES. Effective midnight Wednesday, August 15, 1984 through midnight Monday, September 3, 1984, all outdoor rule burning on lands protected by the Department of Natural Resources shall require a written burning permit. Privileges to burn without a written burning permit granted under WAC 332-24-090 — OUTDOOR FIRE FOR RECREATIONAL OR DEBRIS DISPOSAL PURPOSES NOT REQUIRING A WRITTEN BURNING PERMIT — are suspended.

Affected areas: Lands under the protection of the Department of Natural Resources in all of Spokane county; parts of southeastern Stevens county lying within the boundaries of the Columbia River on the south, SR 231 on the west, SR 292 on the north to the town of Loon Lake, then east to the Stevens/Spokane county line; and the north part of Lincoln county lying within the boundaries of US 2 on the south, SR 21 on the west, the Columbia River on the north, and the Lincoln/Spokane county line on the east.

WSR 84-17-057
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 14, 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 public notice required by 42 CFR 447.205 of changes in statewide methods and standards for setting payment rates;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

This notice is connected to the matter in Notice No. WSR 84-17-009 filed with the code reviser's office on August 3, 1984.

Dated: August 14, 1984

By: Ron W. Kero
 for Gerald J. Reilly, Director
 Division of Medical Assistance

PUBLIC NOTICE

Effective for services provided on and after October 1, 1984, the Department of Social and Health Services will pay for inpatient hospital care using a Diagnosis Related Groups (DRG) based prospective payment system. Payment rates will be hospital specific, cost based, and utilize relative cost weights developed for the Medicare prospective payment system. A separate interim payment method has been developed for children's hospitals, incorporating a modified ratio of operating expenses to total rate setting revenue, which will in aggregate have the same payment impact as if the children's hospitals had been included in the DRG system.

The changes are estimated to reduce total expenditures on hospital inpatient care in state fiscal year 1985 by approximately five percent. Methods are being changed in order to implement a prospective payment system encouraging cost containment and economical and efficient use of resources.

Changes are being effected through amendment to the Washington Administrative Code. Copies of the amendment are available for public review in each local DSHS Community Services Office.

Written comments may be sent to:

Office of Administrative Regulations
 Department of Social and Health Services
 Mailstop OB-33D
 State Office Building No. 2
 Olympia, Washington 98504

and are available for review by the public at that address.

A public hearing on the changes will be held September 27, 1984, at 10:00 a.m. in the Auditorium of the General Administration Building, 11th and Columbia, Olympia, Washington.

WSR 84-17-058
ADOPTED RULES
DEPARTMENT OF CORRECTIONS

[Order 84-13—Filed August 14, 1984—Eff. October 10, 1984]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	ch. 137-28 WAC	Prisons—Discipline.
Rep	ch. 275-88 WAC	Adult correctional institutions—Discipline.

This action is taken pursuant to Notice No. WSR 84-14-076 filed with the code reviser on July 2, 1984. These rules shall take effect at a later date, such date being October 10, 1984.

This rule is promulgated under the general rule-making authority of the Department of Corrections as authorized in RCW 72.01.090.

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

APPROVED AND ADOPTED August 14, 1984.

By Amos E. Reed
 Secretary

Chapter 137-28 WAC
PRISONS—DISCIPLINE

NEW SECTION

WAC 137-28-005 PURPOSE. (1) The rules in this chapter shall provide a standardized system consistent with constitutional due process for ascertaining whether misconduct by an inmate of an adult correctional institution has occurred.

(2) The rules in this chapter shall not apply to proceedings of the board of prison terms and paroles.

NEW SECTION

WAC 137-28-006 DEFINITIONS. For the purposes of this chapter the following words shall have the following meanings:

(1) "Promptly" means to act as soon as reasonably possible, consistent with institutional goals of safety, security, and rehabilitation.

(2) "Working days" means normal Monday through Friday work days, excluding weekends and holidays.

(3) "Director" means the director of the division of prisons of the Washington state department of corrections or his/her designee.

(4) "Superintendent" means a superintendent of an adult correctional institution or his/her designee.

(5) "Directors review committee" means a committee appointed by the director.

(6) "Earned time" means that portion of the inmate's available sentence reduction which, by department of corrections' policy is earned specifically for program participation.

(7) "Good-conduct time credits" means that portion of an inmate's potential reduction to his/her minimum term which is authorized by RCW 9.95.070 and 72.09.130 and which is gained by not receiving serious infractions as listed in WAC 137-28-030.

(8) "Earned-early release" means that combined earned time and good-conduct time credits which, together, allow an inmate to earn up to one-third reduction off the minimum term established by the board of prison terms and paroles or sentencing court.

(9) "Adult correctional institution" and "institution" mean a facility identified in RCW 72.01.050(2) and any similar facility hereafter established.

(10) "Hearing officer" means a trained correctional staff member designated by a superintendent to conduct disciplinary hearings.

NEW SECTION

WAC 137-28-010 SUPPLEMENTARY RULES. The superintendent of an adult correctional institution may promulgate local supplementary rules, policies, and procedures including the creation of new general and/or serious infractions, the reclassification of general and/or serious infractions set out in these rules, and the creation of new sanctions. All such new or reclassified infractions and sanctions shall be approved in writing by the director before being put into effect.

NEW SECTION

WAC 137-28-015 NOTIFICATION. (1) Each inmate of an adult correctional institution shall be advised in writing of:

- (a) His/her rights and responsibilities;
- (b) Acts prohibited in the institution; and
- (c) Disciplinary action which may be taken in the event of misconduct.

(2) Each inmate upon entering the custody of the department of corrections shall be given a copy of the rules in this chapter and of all local disciplinary rules of the institution to which he/she is assigned.

(3) All amendments or additions to this chapter and all amendments or additions to local disciplinary rules, policies, and procedures shall be posted at a specifically designated place or places in each institution in advance of their effective date if possible and for at least thirty days after their effective date. Inmates shall be responsible for informing themselves of such postings. Complete and up-to-date copies of these rules and all local rules shall be available at each institution for inmate examination.

(4) The superintendent shall ensure that each inmate has the opportunity to understand rules which relate to his/her conduct. If the inmate is unable to read or understand English, the rules shall be read to him/her promptly in his/her accustomed language.

NEW SECTION

WAC 137-28-020 DEFINITION OF MISCONDUCT. Misconduct shall consist of:

(1) Any act described in WAC 137-28-025 as a general infraction;

(2) Any act described in WAC 137-28-030 as a serious infraction; or

(3) Any act proscribed by a rule adopted by an institution pursuant to WAC 137-28-010.

NEW SECTION

WAC 137-28-025 GENERAL INFRACTIONS. Any of the following types of behavior shall constitute a general infraction:

051 - Unauthorized possession of money or other negotiable instruments totaling less than five dollars;

052 - Loaning of property for profit;

053 - Possession of anything not authorized for retention or receipt by an inmate and/or not issued to him/her by regular institutional channels;

055 - Intentionally mutilating, altering, defacing or destroying items issued by the state the value of which is less than five dollars;

103 - Refusing to obey a lawful order of any staff member;

104 - Unexcused absence from work or any assignment;

110 - Theft of food;

202 - Abusive language directed to a staff member;

203 - Lying or knowingly providing a false statement to a staff member;

205 - Participating in a meeting or gathering that has been disapproved in advance, in writing, by the institution administrative staff;

210 - Being in an area identified by an institution as an area where the presence of inmates is unauthorized;

211 - Intentional failure to follow published safety or sanitary regulations;

212 - Using any equipment or machinery which is not specifically authorized;

- 213 - Using any equipment or machinery contrary to instructions or posted safety standards;
- 214 - Intentional failure to stand count;
- 251 - Smoking where prohibited;
- 301 - Failure to keep one's person and one's quarters in accordance with published and posted standards, rules, or regulations;
- 302 - Tattooing or self-mutilation;
- 303 - Unauthorized use of mail or telephone;
- 305 - Correspondence or conduct with a visitor in violation of published and posted regulations;
- 351 - Giving, selling, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate, a member of his/her family, or his/her friend, except when authorized; or
- 400 - Attempting to commit any of the above offenses, or aiding another person to commit any of the above offenses shall be considered the same as the commission of the offense itself.
- 556 - Refusing to submit to a body search when lawfully ordered to do so by a staff member;
- 557 - Refusing and/or failing to work or attend other regularly scheduled assignments;
- 558 - Intentionally interfering with a staff member in the performance of his/her duties;
- 559 - Gambling;
- 600 - Tampering with or blocking any locking device or seal;
- 601 - Possession or introduction of an explosive, poison, or any ammunition or components thereof;
- 602 - Possession or introduction of any gun, firearm, weapon, sharpened instrument, knife, or unauthorized tool or components thereof;
- 603 - Possession, introduction, transfer, or use of any narcotics, controlled substance, or related paraphernalia; possession, transfer, or use of any intoxicant or drug not prescribed or authorized for the inmate or for the inmate to whom transferred, if applicable, by the medical staff; or being intoxicated, or under the influence of an unauthorized drug, narcotic, controlled substance, or other intoxicant;
- 605 - Unauthorized possession of any officer's or staff's clothing;
- 607 - Refusing to submit to a urinalysis or blood test under medically acceptable conditions, when requested in writing to do so by a supervisory employee of the rank of shift commander or above, by licensed medical staff, or by others designated by the superintendent;
- 608 - Refusing to submit to a breathalyzer or other standard sobriety test;
- 650 - Rioting;
- 651 - Inciting others to riot;
- 652 - Engaging in or inciting a prohibited group demonstration;
- 653 - Intentionally interfering with the taking of count;
- 654 - Counterfeiting, forging or unauthorized reproduction of any document, article of identification, money, security, or official paper;
- 655 - Making intoxicants, controlled substances, narcotics;
- 656 - Giving or offering any official or staff member or a volunteer a bribe or anything of value for a favor or unauthorized service;
- 657 - Four or more general infractions arising out of separate incidents, all of which occur within the previous six-month period, and which have been reported in writing;
- 658 - Intentional failure to perform according to an administrative action taken pursuant to

NEW SECTION

WAC 137-28-030 SERIOUS INFRACTIONS.

Any of the following types of behavior shall constitute a serious infraction:

- 501 - Committing homicide;
- 502 - Assaulting any person;
- 503 - Extortion, blackmail, demanding or receiving money or anything of value in return for protection against others, or under threat of informing;
- 504 - Engaging in sexual acts with others, with the exception of conjugal visits authorized by the superintendent;
- 505 - Fighting with any person except in self-defense;
- 506 - Threatening another with bodily harm or with any offense against his/her person;
- 507 - Committing an act not otherwise proscribed by these regulations which constitutes a felony or misdemeanor under state or federal law;
- 508 - Throwing objects or material at staff members, institution visitors, or other inmates;
- 521 - Holding a person hostage;
- 525 - Violation of conditions of furlough;
- 550 - Escape or attempted escape;
- 551 - Lying to the disciplinary hearing committee or hearing officer;
- 552 - Lying to a staff member with the intention of causing an innocent person to be penalized or proceeded against;
- 553 - Intentionally or recklessly setting a fire;
- 554 - Intentionally or recklessly destroying or damaging state property, or the property of another person in excess of five dollars;
- 555 - Stealing (theft) or knowing possession of stolen property;

- WAC 137-28-050(2), or resisting post-hearing sanctions as provided for in WAC 137-28-105;
- 660 - Unauthorized possession of money or other negotiable instruments of five dollars or more;
- 661 - Performing or taking part in performing a marriage in the institution buildings or on the institutional grounds, except when such marriage was approved by the superintendent of the institution, which may, in appropriate cases, also be deemed a violation of a visiting rule that can subject an inmate to the sanction contained in WAC 137-28-105 (1)(d), as well as other sanctions available for serious infractions;
- 662 - Solicitation of goods and/or services for which the provider would expect payment when the inmate knows or should have known he/she has no funds available to pay for such goods or services;
- 700 - Attempting to commit or aiding another person to commit a serious infraction as enumerated in this rule, and such action shall be considered the same as commission of the offense itself; or
- 701 - Commission of any general infraction as enumerated in WAC 137-28-025 or any local rule denominated as a general infraction in such a manner as likely to result in danger to life or limb or to create a risk to the orderly operation of the institution or the health and safety of its inmates, staff, or visitors shall be considered a serious infraction, provided there is substantial evidence which establishes there was such a danger.

NEW SECTION

WAC 137-28-031 CELL TAG. Each inmate of a multiple-inmate cell will be held accountable for an infraction that occurs within the confines of such cell unless he/she can establish a lack of involvement in the infraction.

NEW SECTION

WAC 137-28-032 EARNED TIME, GRANTING AND DENIAL. An inmate may receive earned time sentence reduction for participating or attempting to participate in institution work, education, or training programs in accordance with department policy. Prior to a denial of earned time, the basis for the proposed denial shall be explained to the inmate. Should the inmate wish to contest the proposed denial, he/she may request a hearing, which shall be held at least twenty-four hours after the inmate has received written notice scheduling the hearing and indicating the basis for the proposed denial. The hearing shall be before an impartial official designated by the superintendent, pursuant to WAC 137-28-065. The inmate shall be provided a written

statement from the hearing official showing the evidence relied on and the reasons for the decision. The hearing shall be conducted in accordance with WAC 137-28-090. Such a hearing and its result shall not be considered disciplinary in nature and the decision of the hearing shall be limited to recommending to the superintendent that earned time credits be granted or denied in whole or in part. Granting or denial of earned time credits for out-of-state inmates shall be handled in substantial accord with this rule.

NEW SECTION

WAC 137-28-035 REPORTING TO LAW ENFORCEMENT AUTHORITIES. (1) It shall be the duty of the superintendent to report any violation of a federal, state, or local law to law enforcement authorities.

(2) If a violation has been reported to law enforcement authorities, the inmate shall not be questioned about the incident, outside of a formal disciplinary hearing or an administrative segregation hearing, held pursuant to this chapter, until after it has been determined that no prosecution will occur or until a finding of guilt is made.

(3) The provisions in this rule shall not preclude the reasonable segregation of the inmate in accordance with administrative segregation rules appearing in this chapter.

NEW SECTION

WAC 137-28-040 INFRACTIONS—ON-SITE ADJUSTMENT. In the event of a general infraction, a staff member may make an on-site adjustment which may consist of:

(1) Counseling, warning, or reprimanding the inmate; and/or

(2) Causing the inmate to remove himself/herself from the situation immediately involved in the violation.

(3) An on-site adjustment under this rule cannot be considered a general infraction for the purposes of determining whether a 657 serious infraction under WAC 137-28-030 has occurred.

NEW SECTION

WAC 137-28-045 INFRACTIONS—REPORT ON. (1) In the event of a general infraction a staff member may prepare and submit an infraction report. In the event of a serious infraction the staff member shall prepare and submit an infraction report.

(2) The infraction report shall include:

(a) A description of the incident;

(b) The time and place of the incident;

(c) The names of witnesses;

(d) The specific rule alleged to have been violated;

(e) A description of any action taken; and

(f) A recommendation of any action to be taken.

(3) The infraction report shall be signed by the staff member and submitted promptly to the supervisory employee or unit team designated by the superintendent to receive such reports.

NEW SECTION

WAC 137-28-050 GENERAL INFRACTION REPORT—ACTION ON REPORT. The supervisory employee or unit team receiving a general infraction report shall decide within five working days of receipt of the report, unless an extension is granted by the superintendent, whether to

(1) Take no further action, in which case the report shall be destroyed promptly; or

(2) Take administrative action as provided for in WAC 137-28-105(1).

(3) General infractions handled under this rule may be accumulated for purposes of invoking the provisions of WAC 137-28-030 with respect to serious infraction 657.

NEW SECTION

WAC 137-28-065 APPOINTMENT AND DISQUALIFICATION OF HEARING OFFICER. (1) Hearings shall be conducted by a single hearing officer designated by the superintendent.

(2) The hearing officer may not function in such capacity when he/she has direct personal knowledge or interest in the incident under consideration. Such officer must disqualify himself/herself by giving notice to the superintendent, who will select a replacement.

(3) "Direct personal knowledge or interest," as that phrase is used in this rule, shall mean knowledge or interest acquired through witnessing or directly participating in the incident under consideration. This rule shall not preclude the hearing officer's participation where the individual has acquired knowledge or interest indirectly or through review of the incident which is conducted as part of the individual's regular institutional responsibilities.

(4) The hearing officer may disqualify himself/herself or be disqualified if it is felt the hearing officer is biased for or against the inmate so that he/she cannot render a fair judgment in the hearing, regardless of the manner by which such bias was acquired.

NEW SECTION

WAC 137-28-072 OUT-OF-STATE INMATES. Inmates committed to the department of corrections who have been transferred to a prison in another state shall be subject to the disciplinary rules and procedures applicable in the prison to which they have been transferred except that such prison may, in its discretion, utilize any presumptive sanction guidelines in current effect in Washington state institutions.

NEW SECTION

WAC 137-28-075 PREHEARING PROCEDURES—RIGHTS OF INMATES. (1) Before being questioned about an alleged rule infraction, an inmate alleged to have committed a rule infraction shall be advised that his/her refusal to testify at the hearing may be used against him/her.

(2) The inmate shall retain his/her institutional status and corresponding rights and privileges prior to and

during the hearing except as provided in WAC 137-28-080.

NEW SECTION

WAC 137-28-080 PREHEARING PROCEDURES—RESTRICTION OF INMATE. (1) Prior to and during a hearing on a serious infraction:

(a) An inmate in minimum security status may be restricted to a security area without loss of his/her classification status when there is a reasonable belief that he/she is a substantial security risk; or

(b) An inmate who is reasonably believed to be of danger to himself/herself or to others, in serious danger from others, or a danger to the order and security of the institution may, upon written verification by the shift commander that such danger is reasonable believed to exist, be restricted to his/her own room or cell or placed in segregation. Such restriction must be approved by the superintendent within twenty-four hours after the confinement;

(c) An inmate shall not be confined or segregated for more than three working days unless there is an intervening hearing on the incident involved or the inmate or the institution, for good cause, require additional time not to exceed seventy-two hours to prepare its or his/her case for the hearing, or there is an administrative segregation hearing in accordance with the provisions of this chapter.

(2) Confinement or restriction as authorized in this rule shall not limit the right of an inmate to prepare an adequate defense to the charge(s) against him/her.

(3) An inmate confined or restricted as authorized in this section shall be entitled to the same rights as those committed to segregation by the hearing officer following the hearing, as set forth in WAC 137-28-110.

(4) An inmate confined or restricted as authorized in this section shall receive credit for time served in such manner if he/she is subsequently found guilty of the offense by the hearing officer.

NEW SECTION

WAC 137-28-085 HEARING OFFICER—PREPARATION FOR HEARING. In preparation for the hearing, the clerk of the hearing officer shall at least twenty-four hours in advance of the hearing:

(1) Provide copies of the infraction report to the inmate;

(2) Advise the inmate, both orally and in writing, of his/her rights, subject to the relevant provisions and limitations of these rules:

(a) To have a hearing;

(b) That if he/she chooses not to testify at the hearing, his/her silence may be used against him/her;

(c) To present written statements from other inmates, staff or other persons in his/her behalf;

(d) To ask that staff members, other inmates, and other persons be present as witnesses for the hearing if it is determined by the hearing officer that to do so would not be unduly hazardous to institution's safety or correctional goals: PROVIDED, HOWEVER, Limitations may be made by the hearing officer if the information to

be presented by the witnesses is deemed to be irrelevant, duplicative, or unnecessary to the adequate presentation of the inmate's case;

(e) To have a staff advisor to assist in preparation/presentation of his/her case when it is determined that the inmate is unable to adequately represent himself/herself on the basis of literacy or competence in accordance with WAC 137-28-097; and

(f) To have access to nonconfidential reports and records utilized by the hearing officer during the fact-finding stage: PROVIDED, HOWEVER, Where reports and records contain information, the disclosure of which to an inmate might reasonably compromise the security and/or safety of the institution or its inmates, such reports and records shall be specifically identified as confidential and withheld, and in such cases, the inmate shall be provided with a summary of such written documents with the classified information deleted.

(3) Obtain written acknowledgment of the receipt by the inmate of the information provided in accordance with WAC 137-28-085(2);

(4) Determine from the inmate whether he/she wishes to contest the allegation;

(5) Schedule the hearing within three working days after discovery of the incident, unless such time is extended by the superintendent; and

(6) Notify any staff member who witnessed the infraction of the hearing.

NEW SECTION

WAC 137-28-090 CONDUCT OF HEARING.

(1) The hearing officer shall assure that the inmate is competent to understand the charge against him/her and the proceedings, and to participate therein. He/she may order a postponement of the hearing to secure a report on the competence of the inmate, or take such other action as will assure the fairness and orderliness of the hearing.

(2) The inmate shall be present at all stages of the hearing except during the decisional deliberations and any inquiry the hearing officer may wish to make concerning the identity of unidentified witnesses. An inmate may waive his/her presence at a hearing.

(3) The inmate shall be informed that if he/she chooses not to testify in the hearing, his/her silence may be used against him/her.

(4) The clerk shall be responsible for presenting all appropriate paperwork to the hearing officer, but shall not be responsible for orally presenting facts and circumstances surrounding the incident.

(5) The hearing officer shall divide the hearing into two stages consisting of:

(a) Determination of the guilt or innocence of the inmate; and

(b) Determination of further action to be taken.

(6) Evidence, testimony, questions, and examinations shall be limited to facts relevant to the alleged infraction, or disposition if an infraction has been found.

(7) Where institution staff members are witnesses against the inmate, every effort shall be made to have such witnesses present to testify at the hearing: PROVIDED, HOWEVER, The written statements of such

staff members may be considered in their absence upon a showing of good cause.

(8) The hearing officer shall have the authority to cross-examine the staff member reporting the infraction.

(9) The inmate shall be allowed to call witnesses and present documentary evidence in his/her defense when permitting him/her to do so will not be unduly hazardous to institutional safety or correctional goals unless the witness and/or information desired to be presented is deemed to be irrelevant, immaterial, unnecessarily duplicative of other information before the hearing officer, or otherwise found to be unnecessary to the adequate presentation of the inmate's case. The testimony of all witnesses from outside the institution shall be considered in writing. In the event the hearing officer determines that the presence of a witness is appropriate, the hearing officer will call the witnesses or continue the hearing until such time as the witness is available. If the witness is unavailable, the hearing officer may, in his/her discretion, consider the written testimony previously submitted.

(10) The inmate may question witnesses against him/her in the discretion of the hearing officer. If the hearing officer determines that an inmate witness would be subject to risk of harm if his/her identity were disclosed, testimony of the inmate witness may be introduced by the testimony of a staff member to whom the information was provided by the inmate witness and/or the affidavit of the inmate witness. If the staff member to whom the inmate witness provided information is, for good cause, unavailable, the written statement of such uninvolved staff member may be used.

(11) The hearing officer shall, out of the presence of all inmates, inquire as to the identity of any anonymous inmate witness, and as to how the testifying staff member received such information. The refusal of the staff member presenting the testimony of the unidentified inmate witness to identify such inmate shall make the testimony inadmissible unless the refusal to identify the witness is approved by a staff member with the rank of captain or above based on that staff member's determination of good cause for nondisclosure and that the informant is reliable. The hearing officer must make an independent determination as to the reliability of informant and credibility of information offered, except that the hearing officer may accept an assurance of credibility from a staff member who approves the nondisclosure of identity of the inmate witness.

NEW SECTION

WAC 137-28-093 DECISION OF HEARING OFFICER.

(1) A report of the hearing shall be made by a secretary and shall include the charge, names of witnesses, summary of the testimony and cross-examination, a description of the physical evidence used, and the decisions and reasons therefore. The written report shall be placed in the inmate's institutional file if he/she is found guilty. All reports shall be maintained by the clerk as part of the hearing officer's records. A complete taped record of the hearing shall be taken but the tape shall not become a part of the inmate's file, and may be destroyed one hundred twenty days after the date of the

hearing or the appeal decision, or any court proceedings resulting from the hearing, whichever is later.

(2) In reaching its decision on the guilt or innocence of the inmate, the hearing officer must rely solely on evidence presented in the hearing. However, during the dispositional stage of the hearing, such factors as the inmate's institutional file, prior conduct, and overall institution adjustment may be considered.

(3) The inmate shall be informed personally of the decisions of the hearing officer. Such information shall be given to him/her orally within twenty-four hours of the hearing and in writing within seventy-two hours of the hearing unless such periods are extended by the superintendent.

(4) The inmate shall be informed of his/her right to appeal the decisions of the hearing officer to the superintendent.

NEW SECTION

WAC 137-28-095 FINDING OF NO INFRAC-TION. If the hearing officer determines that no infraction occurred, the inmate shall be reinstated to his/her previous status and all records pertaining to the charge shall be removed from the inmate's central file but may be retained for statistical and record-keeping purposes.

NEW SECTION

WAC 137-28-097 STAFF ADVISORS. (1) An inmate may have a staff advisor appointed by the hearing officer to prepare for a hearing. The hearing officer shall consider such factors as the literacy, the complexity of the issue and the inmate's overall ability to speak for himself/herself and adequately present his/her case, prior to assigning a staff advisor. The assignment of a staff advisor will only be necessary when considering such factors, and should not be construed to mean that a staff advisor must be assigned. The staff advisor will be a staff member and not involved in the observation of the infraction. The staff advisor may attend the hearing, but shall not be responsible for presentation of the inmate's case, questioning witnesses, or making other oral presentation unless requested to do so by the hearing officer.

(2) A list of approved staff advisors will be maintained by the superintendent.

(3) Staff advisors shall be provided with:

(a) Copies of the written decisions of the hearing officer and the superintendent in cases in which the staff advisors are involved;

(b) An opportunity to have private conversation with inmates they are representing;

(c) Access to written information to be used by the hearing officer in the fact-finding stage as far in advance of the hearing as is reasonably possible; and

(d) Reasonable access to all witnesses.

NEW SECTION

WAC 137-28-100 SANCTIONS—AUTHORITY TO IMPOSE. (1) If the hearing officer determines that an inmate is guilty of a serious infraction as enumerated in WAC 137-28-030, he/she may impose one or more of the sanctions provided in WAC 137-28-105.

(2) If the hearing officer determines that more than one infraction occurred, he/she shall not impose consecutive sanctions for the separate infractions but shall consider them together and impose penalties for the group of infractions.

(3) The hearing officer may suspend the execution of a proposed disciplinary sanction for a fixed period of time, not to exceed six months, subject to the good behavior of the inmate and/or meeting other conditions as specified by the hearing officer. If the subsequent behavior of the inmate is appropriate, the hearing officer shall, at or prior to the end of the fixed period, cancel execution of the penalty. A suspended sentence may be revoked upon the inmate's being found guilty of either a general or serious infraction and/or violating the conditions attached to the original suspension. A suspended sentence may be revoked only by the institution hearing officer following notice to the inmate of possible revocation and an in-person meeting with the inmate.

(4) The hearing officer may review any decision he/she has previously made and may modify downward any sanction previously imposed.

(5) Sanctions shall not be imposed while an appeal from the hearing officer's decision is under consideration by the superintendent.

(6) In all cases, regardless of whether an appeal is taken, the superintendent may review a sanction imposed and may reduce its severity.

NEW SECTION

WAC 137-28-105 SANCTIONS—TYPES. (1) For general infractions enumerated in WAC 137-28-025 or classified as general infractions by supplementary local rules, one or more of the following sanctions may be imposed:

(a) Reprimand and/or warning;

(b) Loss of specified privileges for not more than ten days on a first offense, twenty days on a second offense, and thirty days on a third offense within a six-month period;

(c) Confinement to room or cell except for attendance at work or school assignment, religious service, or meals, not to exceed ten days;

(d) Interruption or termination of correspondence or visiting with specified individuals for a maximum of ninety days, when there has been an infraction of rules on visits or correspondence as stated in chapters 137-48 and 275-80 WAC or in local rules regarding correspondence and/or visitors; and

(e) Up to one hundred twenty hours of extra work duty.

(2) For serious infractions enumerated in WAC 137-28-030, one or more of the following sanctions may be imposed:

(a) Any of the sanctions enumerated in WAC 137-28-105;

(b) Loss of specified privileges for a period of time not to exceed twenty days except that an inmate shall not be deprived of an opportunity for daily exercise;

(c) Evening lockup or confinement to quarters for ten days;

(d) Weekend and/or holiday lockup or confinement to quarters for a thirty-day period. For purposes of this rule, a "weekend" shall be deemed to begin at the end of the Friday workday;

(e) Confinement to cell except for meals, or with meals in cell, with or without curtailment of job assignment for a period not to exceed ten days;

(f) Recommendation to the classification committee/classification officer for reconsideration of custody classification and/or, when the infraction committed is directly related to the inmate's program, recommendation of program change;

(g) Recommendations to the classification committee/classification officer for transfer to another institution only when, as a result of the infraction committed, the inmate is unable to function in the institution of present confinement, or if other disciplinary methods have been attempted and failed;

(h) Transfer to the maximum security or segregation section, for a period not to exceed thirty consecutive days;

(i) Confinement in an isolation cell for a period not to exceed ten consecutive days: **PROVIDED**, That where a serious infraction occurs during a period of isolation imposed under this rule, additional periods of isolation not to exceed ten days may be imposed: **PROVIDED FURTHER**, That in such situation when an inmate may be in isolation for more than ten consecutive days, the director's prior approval shall be required unless the inmate is released from isolation at least for seventy-two consecutive hours between the expiration of one isolation sentence and the imposition of another, where the combined time would exceed ten consecutive days;

(j) Restitution for damage done to any property or loss of any property assigned to the inmate. Funds may be withdrawn from the inmate's account to make restitution under this rule: **PROVIDED**, That an inmate's account shall not be reduced to less than five dollars under this subparagraph;

(k) Recommendation to the superintendent that he/she not certify good conduct time credit for an inmate to the board of prison terms and paroles, pursuant to RCW 9.95.070 or that he/she deny good conduct time credit for those inmates not under jurisdiction of the board. Such recommendation will be consistent with guidelines established by the secretary of the department of corrections. Any sanctions for loss of good-conduct credits in excess of the guidelines established by the secretary of the department of corrections must have final approval by the director, division of prisons;

(l) Recommendation to the board of prison terms and paroles for a disciplinary hearing or reconsideration of minimum term should occur only with infractions providing for actual time loss of twelve months or more and consistent with guidelines established by the department;

(m) The sanction for the following major infractions will not result in loss of good-time credit: 557; 559; 653; 657; 661; and 701.

NEW SECTION

WAC 137-28-110 SANCTIONS—LIMITATIONS. (1) No inmate shall be subject to disciplinary

action for violation of inmate conduct rules unless there has been reasonable advance notice to the inmate of the specific prohibited behavior unless such rule has been adopted on an emergency basis.

(2) Lowering the quantity or quality of food and deprivation of clothing, bedding, bed, or normal hygienic implements shall not be used as sanctions.

(3) Corporal punishment and physical restraint shall not be used as sanctions.

(4) An inmate placed in segregation shall:

(a) Be confined to an environment with healthful temperatures in cells substantially similar to those used for general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Be afforded his/her rights to correspondence, reading, and legal representation;

(d) Be provided daily opportunity for at least one hour of exercise unless staffing, space, institutional security, order and/or safety, or other similar circumstances make this unfeasible, in which cases such inmate shall be allowed as much exercise as is feasible in the judgment of staff; provided, however, any limitations of exercise shall be approved in advance by a staff member with the rank of lieutenant or higher; and

(e) Be visited by a physician or designated health care personnel at least three times per week; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health care personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided further that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility specified by the director of prisons.

(5) An inmate placed in isolation shall:

(a) Be confined in an environment with healthful temperatures in cells substantially similar to those used for the general population;

(b) Be provided the same opportunities for personal hygiene as are available to the general population;

(c) Retain his/her rights to correspondence, reading, and legal representation except that literature may be limited to educational, religious, legal, or program involvement material;

(d) Be visited by a physician or health care personnel at least once per day; provided, however, if a physician has not personally visited the inmate for three consecutive days, a physician shall review the condition of the inmate with the health personnel who have visited and shall review written comments and requests, and a record of visits by medical personnel shall be maintained; and provided, further, that inmates of forestry honor camps or small correctional institutions, as so designated by the director, shall receive medical care and observation in accordance with standard procedures in effect at such facility to be specified by the director of prisons;

(e) Upon approval by the superintendent, be released immediately to an appropriate setting when medical personnel recommends such release on medical or psychological grounds;

(f) Be visited by a staff member at least twice during each daily shift to ascertain his/her well being, and each such visit and findings shall be recorded; and

(g) Be accessible to the counselor assigned to him/her.

NEW SECTION

WAC 137-28-115 APPEAL TO SUPERINTENDENT. (1) An inmate may appeal the decision of the hearing officer to the superintendent by filing a written request for review and his/her reasons therefor with the clerk within twenty-four hours, exclusive of weekends and holidays, after receiving written notice of the decision of the hearing officer. The superintendent may, in his/her discretion, consider appeals filed beyond the twenty-four hour period.

(2) The clerk shall promptly transmit the request for review and the hearing officer record to the superintendent.

(3) The superintendent shall act on the request within five working days of its receipt by affirming the decision of the hearing officer, stating his/her reasons therefor; reducing the severity of the sanctions imposed; vacating the judgment of the hearing officer, or remanding the matter for a new hearing. Any new hearing may not result in an increase of the severity of the sanctions originally imposed.

(4) Pending the decision of the superintendent, the sanctions shall not be imposed on the inmate nor shall his/her custody be subject to change unless there are grounds for detention as provided in WAC 137-28-080 or if the superintendent has reason to believe that he/she is a substantial security risk.

(5) The inmate shall promptly be notified of the decision of the superintendent.

(6) In all cases where the superintendent approves a sanction requiring the loss of more than one hundred eighty days of future good conduct time credits, or the superintendent recommends that a parole board disciplinary hearing be scheduled, the case will be referred to the director for review and approval. This review may result in approval of the sanction imposed or a lesser sanction.

NEW SECTION

WAC 137-28-120 REPORTS TO THE BOARD OF PRISON TERMS AND PAROLES. (1) Whenever the hearing officer finds an inmate guilty of a serious infraction, and recommends either loss of good conduct time credits or an adjustment upward of the inmate's minimum term, it shall be the duty of the hearing clerk to inform the board of prison terms and paroles of that decision within ten days or, if an appeal is taken, within ten days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(2) In all other cases where a finding of guilt is made for a serious infraction, it shall be the duty of the clerk to inform the board of prison terms and paroles of that decision within thirty days, or if an appeal is taken, within thirty days of the superintendent's decision. Said report shall include a copy of the summary of the hearing prepared by the hearing officer reporter.

(3) Where an inmate is found guilty of a serious infraction within forty-five days of an apparent release date, the board of prison terms and paroles shall be notified telephonically, with written notification to follow promptly.

(4) This section shall not apply to inmates who are in custody under the Sentencing Reform Act of 1981, chapter 9.94A RCW, and who are not under the jurisdiction of the board of prison terms and paroles or its successor.

NEW SECTION

WAC 137-28-130 TIME LIMITATIONS. The time limitations expressed in these regulations shall not be deemed to be jurisdictional and failure to adhere to any particular time regulation shall not be grounds for automatic reversal and/or dismissal of a disciplinary proceeding.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

- (1) WAC 275-88-005 PURPOSE.
- (2) WAC 275-88-006 DEFINITIONS.
- (3) WAC 275-88-010 SUPPLEMENTARY RULES.
- (4) WAC 275-88-015 NOTIFICATION.
- (5) WAC 275-88-020 DEFINITION OF MISCONDUCT.
- (6) WAC 275-88-025 GENERAL INFRACTIONS.
- (7) WAC 275-88-030 SERIOUS INFRACTIONS.
- (8) WAC 275-88-035 REPORTING TO LAW ENFORCEMENT AUTHORITIES.
- (9) WAC 275-88-040 INFRACTIONS—ON-SITE ADJUSTMENT.
- (10) WAC 275-88-045 INFRACTIONS—REPORT ON.
- (11) WAC 275-88-050 GENERAL INFRACTION REPORT—ACTION ON REPORT.
- (12) WAC 275-88-055 APPEAL TO HEARING COMMITTEE.
- (13) WAC 275-88-060 APPEAL TO HEARING COMMITTEE—COMPOSITION OF COMMITTEE.
- (14) WAC 275-88-065 APPEAL TO HEARING COMMITTEE—DISQUALIFICATION OR ABSENCE OF MEMBER.
- (15) WAC 275-88-070 APPEAL TO HEARING COMMITTEE—JURISDICTION.
- (16) WAC 275-88-075 PREHEARING PROCEDURES—RIGHTS OF RESIDENTS.
- (17) WAC 275-88-080 PREHEARING PROCEDURES—RESTRICTION OF RESIDENT.

- (18) WAC 275-88-085 HEARING COMMITTEE—PREPARATION FOR HEARING.
- (19) WAC 275-88-090 CONDUCT OF HEARING.
- (20) WAC 275-88-093 DECISION OF HEARING COMMITTEE.
- (21) WAC 275-88-095 FINDING OF NO INFRACTION.
- (22) WAC 275-88-097 LAY ADVISORS.
- (23) WAC 275-88-100 SANCTIONS—AUTHORITY TO IMPOSE.
- (24) WAC 275-88-105 SANCTIONS—TYPES.
- (25) WAC 275-88-110 SANCTIONS—LIMITATIONS.
- (26) WAC 275-88-115 APPEAL TO SUPERINTENDENT.
- (27) WAC 275-88-120 REPORTS TO THE PAROLE BOARD.
- (28) WAC 275-88-130 TIME LIMITATIONS.

WSR 84-17-059
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 14, 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 Administrative disqualification hearing waiver—Food stamps, repealing WAC 388-54-829;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 1984.

The authority under which these rules are proposed is RCW 74.04.510.

The specific statute these rules are intended to implement is RCW 74.04.510.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2,

12th and Franklin, Olympia, Phone (206) 753-7015, by September 13, 1984. The meeting site is in a location which is barrier free.

Dated: August 13, 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: Repealing WAC 388-54-829.

Purpose of the Rule Change: To repeal the section in its entirety.

The Reason this Rule Change is Necessary: To remove authority for a procedure no longer in use.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: Deletion only.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Dan Ohlson, Program Manager, Division of Income Assistance, Mailstop: OB 31C, Phone: 234-1354.

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-54-829 ADMINISTRATIVE DISQUALIFICATION HEARING WAIVER.

WSR 84-17-060
PROPOSED RULES
GAMBLING COMMISSION
 [Filed August 14, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-08-260, 230-25-065 and 230-40-030;

that the agency will at 11:00 a.m., Thursday, September 20, 1984, in the Tye Motor Inn, 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 9.46.050(3) and 9.46.070 (8) and (14).

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

This notice is connected to and continues the matter in Notice No. WSR 84-16-011 filed with the code reviser's office on July 20, 1984.

Dated: August 14, 1984
 By: Ronald O. Bailey
 Deputy Director

WSR 84-17-061
PROPOSED RULES
GAMBLING COMMISSION
 [Filed August 14, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning the amending of WAC 230-02-020, 230-04-230, 230-08-095, 230-08-120, 230-12-020, 230-40-050 and new section WAC 230-40-055;

that the agency will at 10:00 a.m., Friday, October 12, 1984, in the Thunderbird Inn, 1507 North First Street, Yakima, 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 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (11) and (12).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 12, 1984.

Dated: August 14, 1984

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: Amendatory sections WAC 230-02-020 Time and place of meetings; 230-04-230 Intentionally understating anticipated revenue—Prohibited; 230-08-095 Minimum standards for class C and larger bingo games—Monthly and annual accounting records; 230-08-120 Quarterly activity report by operators of bingo games (license class C and above); 230-12-020 Gambling receipts deposit required by all bona fide charitable and nonprofit organizations; 230-40-050 Fees for card playing; and new section WAC 230-40-055 Card tournaments for fee and prizes.

Description of Purpose: Amend rules to: Allow for flexibility in the commission's meeting locations in Olympia; prohibits punchboard/pull tab operators from licensing at a lower class; clarifies recordkeeping systems for bingo; authorizes bingo licenses to retain cash for payout of prizes; and establishes rules for card tournaments for fee and prizes.

Statutory Authority: RCW 9.46.020 (20)(d), 9.46.050(3) and 9.46.070 (1), (2), (5), (8) and (9).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-02-020, amends rule to allow flexibility in the commission's meeting locations in Olympia; WAC 230-04-230, changes the requirement for licensees to estimate the proper license class, within reasonable ranges, from only bingo, raffles, and amusement games to all activities for which fees are based on income; WAC 230-08-095, requested by licensees to clarify recordkeeping and expense documents. Provide instruction for when licensees must use accrual method; instruction on use of formal general ledger; and documentation of expenditures; WAC 230-08-120, adds requirement of class "C" and larger bingo games to report attendance data for enhancement of statistical reports;

WAC 230-12-020, permits bingo operators to retain cash receipts for payment of special bingo games; WAC 230-40-055, clarifies the method and procedure for recording and reporting of card tournaments conducted for a fee; and WAC 230-40-050, a companion rule change to WAC 230-40-055 above.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, 234-0865 scan, 753-0865 comm, and Ronald O. Bailey, Deputy Director, 234-1075 scan, 753-1075 comm, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rule.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-02-020 TIME AND PLACE OF MEETINGS. Regular public meetings of the commission shall normally be held ~~((upon))~~ in ~~((the second Friday of))~~ in ~~((the second Friday of))~~ March, June, September, and December ~~((; or the preceding business day if that Friday is a holiday))~~. Each such regular meeting shall be held in ~~((Olympia City Hall, Council Chambers, 8th and Plum;))~~ Olympia, Washington, beginning at the hour of 10:00 a.m., date and place to be set by the commission with at least two weeks advance notice. Additional public meetings necessary to discharge the business of the commission may be called from time to time.

AMENDATORY SECTION (Amending Order 139, filed 12/12/83)

WAC 230-04-230 INTENTIONALLY UNDERSTATING ANTICIPATED REVENUE—PROHIBITED. It shall constitute grounds for revocation or suspension of a license if any applicant ~~((for license to conduct bingo, raffles and/or amusement games shall))~~ intentionally understates the anticipated gross or net receipts from ~~((the))~~ a licensed activity for any purpose.

AMENDATORY SECTION (Amending Order 45, filed 12/30/75)

WAC 230-08-095 MINIMUM STANDARDS FOR CLASS C AND LARGER BINGO GAMES—MONTHLY AND ANNUAL ACCOUNTING RECORDS. A double entry accounting system shall be maintained by all bingo licensees, except Class A and B:

(1) This system shall include all receipts and disbursements of the licensee, including but not limited to, those related to bingo, and shall conform to generally accepted accounting principles, except as modified by other commission rules or instructions for activity reports. ~~((The system shall be the same system as the licensee uses as the basis for its reporting to the U.S. Internal Revenue Service on its form 990.))~~

The preferable method of accounting shall be the accrual method. The cash basis or modified cash basis shall be acceptable accounting system methods only as long as they accurately represent the results of operations. ~~((The preferable method of accounting shall be the accrual method.))~~ The accrual method is mandatory where the licensee has substantial ~~((or material))~~ liabilities or substantial expenses not required a current outlay of cash, such as depreciation or amortization expenses.

At minimum, the double entry system shall include ~~((a general ledger.))~~ all records required by other sections of this WAC, a monthly cash disbursements journal (check register), ~~((and))~~ a monthly sales journal (cash receipts journal), plus a listing of all assets and liabilities. Licensees with substantial assets and liabilities or licensed to receive more than \$300,000 bingo gross receipts must have a complete general ledger system.

(2) All expenditures by the licensee (~~(-both respecting its expenditures)~~) relating to gambling (~~(-and nongambling)~~) activities, shall be sufficiently documented (~~(-by)~~) in the following manner:

(a) ~~(i)~~ Invoices or other appropriate supporting documents from commercial vendors or service agencies should contain at least the following details:

(i) The name of the person or entity selling the goods or providing the service;

(ii) A complete description of goods and services purchased;

(iii) The amount of each product sold or service provided;

(iv) The price of each unit;

(v) The total dollar amount billed; and

(vi) The date of the transaction.

(b) Disbursements, in excess of twenty-five dollars, made directly to individuals, who do not furnish normal, business type, invoices or statements, should be supported by other written documentation indicating at least the following details:

(i) The name of the person receiving the payment;

(ii) The amount;

(iii) The date; and

(iv) The purpose.

(c) Normally, cancelled checks and/or statements without further support, such as listed in (2)(a) and (2)(b) above, are not considered sufficient documentation.

(3) All expenditures by the licensee relating to non-gambling activities shall be sufficiently documented to provide an audit trail and will conform to generally accepted accounting principals.

AMENDATORY SECTION (Amending Order 127, filed 3/2/83)

WAC 230-08-120 QUARTERLY ACTIVITY REPORT BY OPERATORS OF BINGO GAMES (LICENSE CLASS C AND ABOVE). Each licensee for the operation of bingo games (license Class C and above) conducted by bona fide charitable or nonprofit organizations, shall submit an activity report to the commission concerning the licensed activity and other matters set forth below during each of the following periods of the year:

January 1st through March 31st

April 1st through June 30th

July 1st through September 30th

October 1st through December 31st

If the licensee does not renew his license, then he shall file a report for the period between the previous report filed and the expiration date of his license.

Each report shall be received in the office of the commission or postmarked no later than 30 days following the end of the period for which it is made.

The report shall be signed by the president, or equivalent officer and shall be submitted upon a form to be obtained from the commission. If the report is prepared by someone other than the licensee or his employee, then the preparer shall also sign the report. The report shall include, among other items, the following:

(1) The gross receipts from bingo by month.

(2) The total amount of cash prizes actually paid out and the total of the cost to the licensee of all merchandise prizes actually paid out by month.

(3) The net receipts by month.

(4) Full details on all expenses directly related to bingo, including all compensation paid by the licensee to each person for any work connected with the management, promotion, conduct or operation of bingo including a description of the work performed by that person.

(5) The net income.

(6) The total number of customers participating.

(7) The total number of sessions held.

AMENDATORY SECTION (Amending Order 130, filed 4/1/83)

WAC 230-12-020 GAMBLING RECEIPTS DEPOSIT REQUIRED BY ALL BONA FIDE CHARITABLE AND NON-PROFIT ORGANIZATIONS. (1) Every licensed bona fide charitable or nonprofit organization shall keep a separate gambling receipts' account in a (~~(reorganized)~~) recognized Washington state depository authorized to receive funds, which shall be kept separate and apart and actually segregated from the licensee's general funds: PROVIDED, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in

a British Columbia branch of a Canadian bank. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained. The following conditions of deposit will be met:

(a) No expenditures other than for prizes shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: PROVIDED, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed \$200.00;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(b) All net receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(c) All net receipts from the operation of card rooms, punchboards, pull tabs, raffles (Class D and above), and amusement games (Class B and above) shall be deposited in the licensee's gambling receipts account at least once each week; and

(d) All deposits from bingo net receipts made to the gambling receipts account shall be made separately from all other deposits, and the validated deposit receipt shall be kept with the daily records as required by WAC 230-08-080.

(2) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

(a) Raffles under the provisions of RCW 9.46.030(2);

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.030(3);

(c) Class A or B bingo game;

(d) Class C raffle; or

(e) Class A amusement game.

(3) Bona fide charitable or nonprofit organizations who conduct only fund raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

NEW SECTION

WAC 230-40-055 CARD TOURNAMENTS FOR FEE AND PRIZES. (1) A card tournament wherein a fee is charged to the participants and prizes are awarded to the winning players shall be licensed by the Commission. Card room licenses with a Class A, B, or E license may conduct a card tournament for a fee without obtaining a card tournament license: PROVIDED, That Class B licensees are limited to only those card games authorized under their licensing class. Card room licensees with a Class D or R license must first obtain a card tournament license before they can conduct a card tournament in which the players are charged a fee to enter. The licensee shall notify the Commission ten (10) days in advance of any card tournament where the players are charged a fee to enter. A card tournament shall not exceed ten (10) consecutive calendar days.

(2) The fee for a player to enter a card tournament for prizes shall not exceed \$25.00, including all separate fees which might be paid by a player for various phases or events of the tournament. There shall be no buy-ins or additional opportunities allowing the players to purchase additional chips beyond those provided with the \$25.00 entry fee.

(3) The chips used in card tournaments shall have no monetary value and may be redeemed only for prizes established by the licensee. The licensee may award prizes in excess of those entry fees collected as authorized in paragraph two (2) above.

(4) The licensee may adopt house rules to facilitate the operation of card tournaments: PROVIDED, That all house rules must be submitted to the Commission for approval and posted where all tournament participants can see and read the rules.

(5) The licensee shall maintain a record of all such fees collected and the number of participants for each tournament conducted. This

information shall be entered on the card room daily control sheet for the time and date the tournament begins.

(6) The licensee shall maintain a record of all prizes awarded to include the amount the licensed operator actually paid for each prize and the name and complete address of each winning participant.

AMENDATORY SECTION (Amending Order 138, filed 11/15/83)

WAC 230-40-050 FEES FOR CARD PLAYING. No fee shall be charged a person, directly or indirectly, to play in a card game in excess of those fees set forth below:

(1) For all card games, except as provided in (2) below, the fee shall not exceed \$1.00 per half hour, or portion thereof, per player.

The fee charged shall be collected by the licensee in cash, or in wagering chips, directly from the player upon each half hour only. No player shall be required to pay for or purchase any other goods or services as a condition of playing cards beyond the \$1.00 per half hour per player except under section (3) below. The fee schedule applicable to the type of games and number of tables in the card room shall be conspicuously posted on the premises where it can be clearly seen by the players in the card games.

~~(2) ((The fee for entry into a tournament for prizes shall not exceed \$25.00, including all separate fees which might be paid by a player for various phases or events of the tournament. The licensee shall maintain a record of all such fees collected, by date of collection, for each such tournament held.~~

~~(3))~~ A person requesting a new deck of cards beyond those regularly furnished by the operator as required by WAC 230-40-070(2) may be charged a fee not to exceed the actual cost to the licensee of the deck. Further, Class D licensees may charge a fee not to exceed actual cost to the licensee per deck for each deck of playing cards furnished to a table as required by these rules, or as requested by any player at the table. The fee shall be collected in cash directly from the players, or the player requesting the deck, at the time the deck is introduced into the game.

~~((4))~~ (3) This rule shall not prevent a bona fide nonprofit or charitable organization which has been established and operated for purposes other than card playing from charging its usual membership fee to belong to the organization.

~~((5))~~ (4) The licensee shall collect the same fee from all players at a table except licensed card room employees or the licensed owner. If he elects to allow free play, then all players at a table must be allowed to play for free.

The amount collected each half hour shall be recorded by the licensee immediately following the collection of the fees on a standard card room format prescribed and supplied by the commission to the licensee. All records required by this rule shall be maintained for a period of three years from the end of the licensee's fiscal year for which the record is kept.

WSR 84-17-062
EMERGENCY RULES
GAMBLING COMMISSION
 [Order 142—Filed August 14, 1984]

Be it resolved by the Washington State Gambling Commission, acting at Union, Washington, that it does adopt the annexed rules relating to the amending of WAC 230-04-201, 230-30-070, 230-30-102, 230-30-104 and new section WAC 230-30-999.

We, the Washington State Gambling 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 WAC 230-04-201 Fees, this action is being taken to correct typographical error in table 2, class D; WAC 230-30-070 Control of prizes, proposed by Sam Sarama to restrict the public from viewing the personal information of recorded winners of prizes from punchboards and pull tabs. The staff concurs on the security of the personal information; WAC 230-30-102 Pull tab series assembly and packaging, clarifies the distribution of winning pull tabs within the pull tab series and instructions on identifying each pull tab series; WAC 230-30-104 Possession or sale of pull tab series in which winners or location of winners may be determined in advance—prohibited, a companion rule change to WAC 230-30-102 above; and WAC 230-30-999 Test of continuous play/open ended pull tab series, provides authority to conduct test for open end pull tab system.

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

This rule is promulgated pursuant to RCW 9.46.070 (8), (11) and (14) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 10, 1984.

By Ronald O. Bailey
 Deputy Director

AMENDATORY SECTION (Amending Order 140, filed 6/15/84)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

<u>LICENSE TYPE</u>	<u>DEFINITION</u>	<u>FEE</u>
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to 100,000	500
Class D	\$ 100,001 to 300,000	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES		
Class A	General (Fee to play charged)	\$ 500
Class B	Limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage - (Fee to play charged)	150
Class C	Tournament only - no more than ten consec. days per tournament	50
Class D	General (No fee to play charged)	50
Class R	Primarily for recreation (WAC 230-04-199)	25
5. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
LICENSE CLASS	(See WAC 230-04-260) New class fee less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
REPLACEMENT IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
6. FUND RAISING EVENT		
Class A	One event not more than 24 consec. hrs.	\$ 300

	Class B	One event not more than 72 consec. hrs.	500
	Class C	Additional participant in joint event (not lead organization)	150
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7.	PERMITS	Agricultural Fair/Special Property Bingo	
	Class A	One location and event only (See WAC 230-04-191)	\$ 25
	Class B	Annual permit for specified different events and locations (See WAC 230-04-193)	150
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8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$50,000	\$ 450
	Class B	\$50,001 to 100,000	950
	Class C	\$100,001 to 200,000	1,350
	Class D	\$200,001 to 300,000	1,750
	Class E	\$300,001 to 500,000	2,150
	Class F	Over \$500,000	3,000
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9.	RAFFLES	(Fee based on annual net receipts)	
	Class C	\$500 or less	\$ 50
	Class D	\$501 - 5,000	100
	Class E	\$5,001 - 15,000	400
	Class F	Over \$15,000	600
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10.	SEPARATE PREMISES BINGO RAFFLES	Occasion (See WAC 230-04-300) (See WAC 230-04-197)	\$ 25 25
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11.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and WAC 230-30-030)	

Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	(Fee to play charged) limited card games - to hearts, rummy, pitch, pinochle, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (No fee to play charged)	((75)) 50
Class E	General (Fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
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2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIF.	(Same owners - See WAC 230-04-340(3))	50

LICENSE CLASS DUPLICATE	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
LICENSE REPLACEMENT	(See WAC 230-04-290)	25
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, WAC 230-04-340 and WAC 230-04-350)	50
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3. DISTRIBUTOR	Original	\$2,500
	Renewal	1,250
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4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 200
	Renewal	100
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5. MANUFACTURER	Original	\$3,000
	Renewal	1,500
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6. MANUFACTURER'S REPRESENTATIVE	Original	\$ 200
	Renewal	100
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7. PERMITS Class A Class B	Agriculture Fair/Special Property Bingo One location and event only (See WAC 230-04-191) Annual permit for specified different events and locations (See WAC 230-04-193)	\$ 25 150
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8. PUBLIC CARD ROOM EMPLOYEE	Original	\$ 150
	Renewal	75
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9. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
Class A	Up to \$50,000	\$ 450
Class B	\$50,001 to 100,000	950
Class C	\$100,001 to 200,000	1,350
Class D	\$200,001 to 300,000	1,750
Class E	\$300,001 to 500,000	2,150
Class F	Over \$500,000	3,000
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10. SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and WAC 230-30-030)	
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11. SPECIAL LOCATION AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	One event per year lasting no longer than 12 consec. days	\$ 500
Class B	\$25,000 or less	500
Class C	\$25,001 - 100,000	1,500
Class D	\$100,001 - 500,000	3,000
Class E	Over \$500,000	5,000

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 116, filed 1/18/82)

WAC 230-30-070 CONTROL OF PRIZES. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission. Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay

or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. ((The record)) The record of the win ((shall be made)) shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

(c) The name of the punchboard or pull tab series;

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the ((licensee licensee's)) licensee record of the win.

(6) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches of five dollars or more for a period of six months and shall display the same to any ((member of the public,)) representative of the commission or law enforcement officials upon demand.

(7) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus 50 percent of that actual cost.

(8) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of

pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

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 43 [78], filed 11/28/75 [11/17/77])

WAC 230-30-102 PULL TAB SERIES ASSEMBLY AND PACKAGING. (1) Manufacturers of pull tabs shall manufacture, assemble, and package each pull tab series in such a manner that none of the winning pull tabs, nor the location or approximate location of any of the winning pull tabs can be determined, in advance of opening the pull tabs in any manner or by any device, including but not limited to any pattern in manufacture, assembly, packaging, markings, or by the use of a light.

(2) Winning pull tabs shall be (~~randomly~~) evenly distributed and mixed among all other pull tabs in the series. The series shall be assembled and packaged with special care so as to eliminate any pattern as between series, or portions of series, from which the location or approximate location of any of the winning tabs may be determined.

(3) When the series is packaged in more than one package, box or other container, the entire series of individual pull tabs shall be mixed in such a manner that no person can determine the position or approximate location of any of the winning pull tabs or determine whether any one package or portion of a series contains a larger or smaller percentage of winning pull tabs than the balance of the series. The packages, boxes or other containers shall not be numbered as to distinguish one from the other (~~and have no marking other than the series number~~). Each series of pull tabs shall contain a packing slip placed inside the package containing the name of manufacturer, series number, date the series was packaged, and the name or identification of the person who packaged the series: PROVIDED, That this information may be printed on the back of the flare or the outside of at least one of the packages, boxes or containers in which the pull tabs are packed.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order 78, filed 11/17/77)

WAC 230-30-104 POSSESSION OR SALE OF PULL TAB SERIES IN WHICH WINNERS OR LOCATION OF WINNERS MAY BE DETERMINED IN ADVANCE—PROHIBITED. (1) No operator, distributor or manufacturer, or representative thereof, with knowledge or in circumstances whereunder he reasonably should have known, shall possess, display, put out for play, sell or otherwise furnish to any person any pull tab series or pull tab from any series:

(a) In which the winning tabs have not been (~~completely and randomly~~) evenly distributed and mixed among all other tabs in the series; or

(b) In which the location, or approximate location, of any of the winning tabs can be determined in advance of opening the tabs in any manner or by any device, including but not limited to, any pattern in the manufacture, assembly or packaging of the tabs by the manufacturer, by any markings on the tabs or container, or by the use of a light; or

(c) Which does not conform in any other respect to the requirements of these rules as to manufacture, assembly, or packaging of pull tabs.

(2) No manufacturer or distributor or representative thereof shall use as a sales promotion any statement, demonstration, or implication that any certain portion of a series of pull tabs contains more winners than other portions of the series or that any series of pull tabs may be sold by the operator in a particular manner that would give the operator any advantage in selling more of the pull tabs before having to pay out winners.

NEW SECTION

WAC 230-30-999 TEST OF CONTINUOUS PLAY/OPEN ENDED PULL TAB SERIES. (1) For purposes of regulating and establishing the type, scope, and manner of conducting gambling activities, the commission shall conduct a test of the operation of continuous play/open ended pull tab series.

During this test the following definitions shall apply:

(a) "Continuous play/open ended pull tab series" are those which:

(i) Are identical as to manufacturer, manufacturer form number, sales price per pull tab, winning symbols, prize amounts, and number of pull tabs; and

(ii) Do not award a prize for the purchase of the last tab.

(b) "Continuous play/open ended pull tab sets" are:

(i) Those pull tabs which are operated as a continuous set by adding "continuous play/open ended pull tab series" to the dispensing device without first closing out any previously added pull tab series; and

(ii) No winning pull tabs are marked off the flare.

(2) Participation in the test will be limited to those licensees who voluntarily agree to conduct the test and abide by criteria set by the commission, in cooperation with the participants. All approvals to participate will be in writing and will be revokable by either the commission or the licensee by giving three days written notice. A copy of the approval shall be maintained on the premises, any time the activity is operated, and be made available to representatives of the commission and law enforcement officers.

(3) For the purposes of this test all rules of the commission will apply: Provided, That participants in the test must comply with the following rules, as modified, for continuous play/open end pull tab operations only:

(a) WAC 230-08-010(5) – A substitute monthly record format, prescribed by the commission, will be used. Whenever any portion of a series is added to a dispensing device, the unused pull tabs from that series must be first added to that dispensing device before any other pull tab series. Each series shall be entered on the monthly record immediately after any pull tab from the

series has been added to the dispensing device and will include the following information:

- (i) The name of the pull tab series;
- (ii) The Washington state identification stamp number issued by the commission;
- (iii) The series number assigned by the manufacturer;
- (iv) The date the first pull tab was added to the dispensing device;
- (v) The color;
- (vi) The total number of tabs in the pull tab series;
- (vii) The manufacturer's name;
- (viii) The manufacturer's assigned form number;
- (ix) The cost to the players to purchase one pull tab; and
- (x) The gross receipts.

Net cash and winning pull tabs from each dispensing device will be maintained separately. A form will be provided by the commission to reconcile winning tabs, prizes paid, cash receipts, and deposits. Licensees must complete this form at least weekly and charitable and non profit organizations will deposit receipts as required by WAC 230-12-020.

After the close of business on the last day of each month, a cut-off count and cash reconciliation will be made of each dispensing device. All unsold tabs from any series started in the device will be counted and recorded in the monthly record as one total.

At the end of the test or when a set is permanently removed from play, all remaining pull tabs shall be counted and a reconciliation of cash made. Each set of pull tabs permanently removed from play shall be maintained as a separate group and retained for at least six months. Each set permanently removed will be labeled with at least the date pulled; manufacturer's name; and manufacturer's form number.

(b) WAC 230-08-170 and 230-30-080(4) – Additional reasons pull tabs, temporarily removed, may be returned to play:

- (i) Mixing with new pull tabs being added to the dispensing device;
- (ii) Monthly reconciliation; and
- (iii) Unsold pull tabs from alternate sales locations.

(c) WAC 230-08-170 and WAC 230-30-070(6) – All winning pull tabs must be retained, and within twenty four hours the licensee shall mark or perforate the winning pull tab in such a manner that the pull tab can not be presented again for payment. Winning tabs shall be retained for six months following the month the tabs were presented for payment.

(d) WAC 230-30-015(2) and WAC 230-30-130 – The substitute flare used for continuous play/open end pull tabs need not display the series number or the Washington state identification stamp for the series in play.

(e) WAC 230-30-050(3) – All receipts, records, and reports, including pull tab series flares with Washington state identification stamp affixed, must be retained on the premises at least nine months after the series is placed into play, and be made available on demand to law enforcement officers and representatives of the commission.

(f) WAC 230-30-070(3) – References to prizes entered on the flare shall not be deleted at any time.

(g) WAC 230-30-070(5)(e) – The licensee's record of pull tab winners shall not contain the date an open end pull tab series was removed from play.

(h) WAC 230-30-080(3) – This section shall not apply. See (1)(b) and (3)(b) above.

(i) WAC 230-30-106(3) – The flare advertising prizes available from the operation of any sets of pull tabs shall display the numbers or symbols for winning prizes and the total number available of each class of prize, for each individual series added to the set.

(4) An information sign explaining the test, shall be provided by the commission, and posted for public view, in close proximity to the dispensing device.

(5) All other rules of the commission, unless exempted above, will apply.

WSR 84-17-063
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-106—Filed August 14, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon have been taken.

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

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

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

APPROVED AND ADOPTED August 14, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-19000M SALTWATER SEASONS AND BAG LIMITS—SALMON. Notwithstanding the provisions of WAC 220-56-190, effective 12:01 a.m. August 16, 1984 until further notice it is unlawful to fish for or possess salmon taken for personal use from all waters west of a line projected due north from the mouth of the Sekiu River, Pacific Ocean waters off of the Washington Coast, Grays Harbor, Willapa Bay, and Washington waters at the mouth of the Columbia River

west of a line projected true north-south through Buoy 10.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 16, 1984:

WAC 220-56-19000L SALTWATER SEASONS AND BAG LIMITS—SALMON. (84-99)

WSR 84-17-064

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-107—Filed August 14, 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 restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in 8A, 12 and 12B provide opportunity to harvest full non-Indian chinook share that would otherwise not be taken by traditional means. All other areas are closed to prevent overharvest.

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

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

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

APPROVED AND ADOPTED August 14, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-907 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open. Open to trolling except in the Strait of Juan de Fuca Preserve from 5:00 AM to 9:00 PM Tuesday, August 14.

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

*Areas 7B and 7C – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 14 through the morning of August 16. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

*Areas 8A, 12, and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM August 14 through the morning of August 16, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 13, 14, and 15. Fishery exclusion zones applicable to Areas 8A and 12B commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-906 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-105)

WSR 84-17-065

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-108—Filed August 14, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of salmon are available.

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

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

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

APPROVED AND ADOPTED August 14, 1984.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-57-16000J COLUMBIA RIVER. *Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. August 16, 1984:*

(1) *Until 11:59 p.m. September 30, 1984 bag limit F in those waters of the Columbia River downstream from the Megler-Astoria Bridge to a line running true north south through Buoy 10 at the mouth of the river.*

(2) *Until further notice bag limit A in those waters of the Columbia River downstream from the Richland-Pasco Highway 12 bridge to the I-5 bridge.*

REPEALER

The following section of the Washington Administrative Code is repealed effective August 16, 1984:

WAC 220-57-16000I COLUMBIA RIVER (84-99)

WSR 84-17-066

ATTORNEY GENERAL OPINION

Cite as: AGO 1984 No. 20

[August 14, 1984]

COURTS—JUSTICE—JUSTICE COURT ACT OF 1961— COMPENSATION OF JUSTICES PRO TEM AND VISITING JUDGES

(1) The correct compensation to be paid under RCW 3.34.130 to a pro tem district court judge is one two-hundred fiftieth of the annual salary of a full-time district court judge (as provided for in RCW 3.58.010), regardless of whether the regular judge in whose place the pro tem justice is serving is a part-time, or a full-time, district court judge.

(2) When a part-time district court judge holds court in another judicial district within the same county, he or she is not entitled to be compensated for that service as a district court justice pro tempore under RCW 3.34.130, in addition to receiving reimbursement for subsistence, lodging and travel expenses under RCW 3.34.140.

Requested by:

Honorable L. Eugene Hanson
Prosecuting Attorney
Klickitat County Court House
205 S. Columbus, No. 105
Goldendale, WA 98620-9289

Honorable James R. Larsen
Administrator for the Courts
Eastside Plaza Bldg. B
1206 S. Quince, EZ-11
Olympia, WA 98504

WSR 84-17-067
PROPOSED RULES
ENERGY OFFICE
[Filed August 15, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Energy Office intends to adopt, amend, or repeal rules concerning agency procedures for complying with SEPA, chapter 43.21C RCW, adopting a statement of exemption as required by WAC 197-11-904(2) and (4), and repealing existing procedures;

that such agency will at 1:30 p.m., Wednesday, September 26, 1984, in the WSEO Conference Room, 400 East Union, Olympia, WA, conduct a hearing relative thereto.

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

The authority under which these rules are proposed is RCW 43.21C.120 and 43.21F.045.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency prior to September 26, 1984, and/or orally at 1:30 p.m., September 26, 1984, Washington State Energy Office Conference Room, 400 East Union, Olympia.

Dated: August 15, 1984

By: Richard H. Watson
Director

STATEMENT OF PURPOSE

Title: Amending the State Energy Office's State Environmental Policy Act rules, chapter 194-12 WAC.

Description of Purpose: The 1983 amendments to SEPA (chapter 43.21C RCW) require all state agencies to adopt SEPA procedures through rulemaking by October 1, 1984. In the new SEPA rules (WAC 197-11-875(23)) activities of the State Energy Office are categorically exempt from SEPA.

Statutory Authority: RCW 43.21F.045(12).

Summary of Rule: WAC 197-11-875(23) provides that activities of the State Energy Office are categorically exempt from SEPA. The State Energy Office has reviewed its authorized activities to be exempt as provided and is adopting this statement to comply with WAC 197-11-904 (2) and (4). Existing procedures are repealed.

Reasons Supporting Proposed Action: Promulgation of this rule is to comply with WAC 197-11-904 (2) and (4).

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ed McGuire, ER-11, WSEO, Olympia, WA 98504, 754-0795.

Person or Organization Proposing Rule: Washington State Energy Office, state government.

Agency Comments or Recommendations: None.

Whether Rule is Necessary Due to Federal Action or Court Action: None.

Small Business Economic Impact Statement: None (housekeeping measure).

AMENDATORY SECTION (Amending Order 82-2, filed 8/11/82)

WAC 194-12-010 AUTHORITY. This chapter is promulgated pursuant to the authority granted in RCW 43.21C.120, requiring each state agency to adopt rules implementing the State Environmental Policy Act.

This chapter is also promulgated to comply with WAC ((197-10-020(1))) 197-11-904(2) and (4).

AMENDATORY SECTION (Amending Order 1, filed 1/18/77)

WAC 194-12-020 ((PURPOSE)) STATEMENT OF EXEMPTION. ((The purpose of this chapter is to:

(1) Establish guidelines interpreting and implementing the State Environmental Policy Act of 1971 (SEPA) as applicable to the Washington state energy office, and

(2) Incorporate guidelines established by the council on environmental policy into the rules and regulations of the Washington state energy office.)) The Washington state energy office has reviewed the activities it is authorized to undertake and finds them all to be exempt as provided in PART NINE-CATEGORICAL EXEMPTIONS WAC 197-11-875(23).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 194-12-030 SCOPE AND COVERAGE.
 WAC 194-12-040 INCORPORATION BY REFERENCE.
 WAC 194-12-050 DEFINITIONS.
 WAC 194-12-060 EXEMPTIONS.
 WAC 194-12-070 DESIGNATION OF RESPONSIBLE OFFICIAL.
 WAC 194-12-080 COPIES OF PUBLIC INFORMATION.
 WAC 194-12-090 CONSULTATION REQUEST GUIDELINES.
 WAC 194-12-100 INVOLVEMENT OF PRIVATE APPLICANT IN PREPARATION OF EIS.
 WAC 194-12-110 PREPARATION OF EIS BY PERSONS OUTSIDE THE OFFICE.
 WAC 194-12-120 SEVERABILITY.

WSR 84-17-068

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-109—Filed August 15, 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 no harvestable surplus 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 August 15, 1984.

By Gary C. Alexander
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-40-02100L WILLAPA HARBOR GILL NET SEASON. Notwithstanding the provisions of WAC 220-40-021, 220-40-022, and 220-40-024, effective 6:00 p.m. August 15, 1984 until further notice it is unlawful to fish for or possess salmon taken for commercial purposes with gill net gear in all Willapa Harbor Salmon Management and Catch Reporting Areas.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02100K WILLAPA HARBOR GILL NET SEASON (84-95)

WSR 84-17-069

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2139—Filed August 15, 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:

Amd WAC 388-92-045 Excluded resources.
 Amd WAC 388-95-380 Excluded resources.

This action is taken pursuant to Notice No. WSR 84-14-013 filed with the code reviser on June 25, 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 Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED August 15, 1984.

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

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-92-045 EXCLUDED RESOURCES. Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are reinvested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-83-140 (4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile (~~will be~~):

(a) Is totally excluded regardless of its value if it is (~~used~~):

(i) Necessary for employment; or

(ii) Necessary for the individual's medical treatment; (~~otherwise, the~~) or

(iii) Modified for operation by, or transportation of, a handicapped person; or

(b) Is excluded to the extent its current (~~retail~~) market value (~~up to~~) does not exceed \$4,500, any excess to be counted against the resource limit. An automobile may be excluded under this subsection only if no automobile is excluded under subsection (3)(a) of this section.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as (3) above.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1,500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1,500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource

that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-92-050.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will

be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purpose.

(13) Other resources excluded by federal statute.

AMENDATORY SECTION (Amending Order 2063, filed 1/4/84)

WAC 388-95-380 EXCLUDED RESOURCES.

Applicants or recipients may transfer or exchange an exempt resource. Cash received from the sale of an exempt resource is excluded provided the total amount of cash is used to replace or reinvest in another exempt resource within three months. Any remaining portion in excess of allowed resources shall be considered a nonexempt resource if the individual's eligibility continues without a break in certification. In determining the resources of an individual and spouse, if any, the following items shall be excluded up to the dollar limit, if any, as indicated:

(1) The home or the proceeds from the sale of a home, which is an excluded resource, will also be excluded to the extent that they are re-invested in the purchase of another home which is similarly excluded within three months of the date of receipt of proceeds.

(a) The home of the individual must be the individual's principal place of residence in order to be an excluded resource.

(i) Temporary absences from home including absences from home for trips, visits, and hospitalizations do not offset the home exclusion as long as the individual intends to return home.

(ii) An absence of more than six months may indicate that the home no longer serves as the principal place of residence. See WAC 388-95-360 (4)(d).

(iii) The home continues to be excluded if the individual intends to return and there is a likelihood that he/she will return.

(iv) When an institutionalized individual intends to return home, a physician's evaluation of his/her ability to return at some future time to a home setting may be used as the basis of a temporary absence determination. The evidence must be conclusive before a determination can be made that the individual is unable to return home.

(v) Transfer of a home during a temporary absence may constitute evidence that the individual no longer intends to return. Adequate consideration must be received and allocated to the individual's resources. See WAC 388-92-043, transfer of property at less than fair market value.

(b) If the home is used by a spouse or dependent relative during the individual's absence, it will continue to be considered the principal place of residence.

(2) Household goods and personal effects.

(3) An automobile (~~will be~~):

(a) Is totally excluded regardless of its value if it is (~~used~~):

(i) Necessary for employment; or

(ii) Necessary for the individual's medical treatment;

(~~otherwise, the~~) or

(iii) Modified for operation by, or transportation of, a handicapped person; or

(b) Is excluded to the extent its current ((retail)) market value ((up to)) does not exceed \$4,500, any excess to be counted against the resource limit. An automobile may be excluded under this subsection only if no automobile is excluded under subsection (3)(a) of this section.

(4) Property of a trade or business which is essential to the means of self-support; however, it shall not include liquid resources as defined in WAC 388-92-005 even though such liquid resource may be producing income. This property means items commonly referred to as tangible business assets such as land and buildings, equipment and supplies, inventory, cash on hand, accounts receivable, etc. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(5) Nonbusiness property which is essential to the means of self-support. This shall include:

(a) Nonliquid (see WAC 388-92-005), nonbusiness property if it is relied upon by the individual as a significant factor in producing income on which he can live, or is used to produce goods, or provide services essential to the individual's support. The current market value shall not exceed six thousand dollars with a minimum annual rate of return of six percent.

(b) Property used exclusively to produce items for home consumption provided the items are significant factors for support and maintenance of the individual.

(c) Tools, equipment, uniforms and similar items required by the individual's employer.

(d) A motor vehicle (in addition to that already excluded) which is essential because of climate, terrain, or similar factors, or special modification, and required to provide necessary transportation. The limitation on value of such vehicle is the same as in subsection (3) of this section.

(6) Resources of a blind or disabled individual which are necessary to fulfill an approved plan for achieving self-support for so long as such plan remains in effect.

(7) Shares of stock held in a regional or village corporation during the period of twenty years ending January 1, 1992, in which such stock is inalienable pursuant to the Alaska Native Claims Settlement Act.

(8) Life insurance owned by an individual and spouse, if any, to the extent of its cash surrender value, provided that the total face value of policies held by each individual is \$1500 or less, in which case the cash surrender value is not evaluated. If the face value of policy(ies) is over \$1500, cash surrender value must be applied to resource limitations. Term or burial insurance with no cash surrender value is not considered in determining face value.

(9) Restricted allotted land owned by an enrolled member and spouse, if any, of an Indian tribe, if such land cannot be sold, transferred or otherwise disposed of without permission of other individuals, his tribe or an agency of the federal government.

(10) Cash received from an insurance company for purposes of repairing or replacing an excluded resource that is lost, damaged, or stolen, etc., is excluded as a resource provided the total amount of the cash is used to repair or replace such excluded resource within nine

months that period may be extended based on circumstances beyond the control of the applicant to a maximum of nine additional months. Any such cash not so used within such time periods is considered as an available resource.

(11) Burial spaces.

(a) The value of burial spaces for the individual, the individual's spouse or any member of the individual's immediate family.

(b) Burial spaces shall include conventional gravesites, crypts, mausoleums, urns, and other repositories which are customarily and traditionally used for the remains of deceased persons.

(c) For purposes of this subsection immediate family means an individual's minor and adult children, including adopted children and step-children; an individual's brothers, sisters, parents, adoptive parents, and the spouses of those individuals. Neither dependency nor living-in-the-same-household will be a factor in determining whether a person is an immediate family member.

(12) Funds set aside for burial expenses.

(a) Funds specifically set aside for the burial arrangements of an individual or the individual's spouse not to exceed \$1,500 each.

(b) This exclusion applies if the inclusion of any portion of such amount would cause the resources of the individual (or spouse, if any) to exceed the limits specified in WAC 388-95-390.

(c) Funds set aside for burial expenses must be kept separate from other resources not set aside for burial. If such funds are mixed with other resources not intended for burial, the exclusion will not apply to any portion of the funds and will be treated as nonexcluded resources.

(d) Funds set aside for burial includes revocable burial contract, burial trust, or other burial arrangement or any other separately identifiable fund which is clearly designated as set aside for the individual's (or spouse's, if any) burial expenses.

(e) The \$1,500 exclusion must be reduced by the face value of insurance policies on the life of an individual owned by the individual or spouse if the cash surrender value of those policies has been excluded as provided in subsection (8) of this section and amounts in an irrevocable trust.

(f) Interest earned on excluded burial funds and appreciation on the value of excluded burial arrangements are excluded from resources if left to accumulate and become a part of the separately identifiable burial fund.

(g) Burial funds used for other purposes. Funds or interest earned on funds and appreciation in the value of burial arrangements which have been excluded from resources because they are burial funds must be used solely for that purpose. If any excluded funds, interest or appreciated values set aside for burial expenses are used for a purpose other than the burial arrangements of the individual or the individual's spouse for whom the funds were set aside, future medical assistance benefits of the individual (or the individual and individual's spouse) will be reduced by an amount equal to the amount of burial funds, interest or appreciated value used for other purposes.

(13) Other resources excluded by federal statute.

WSR 84-17-070
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Order 2140—Filed August 15, 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 Income—Eligibility—Food stamps, amending WAC 388-54-730.

This action is taken pursuant to Notice No. WSR 84-14-008 filed with the code reviser on June 22, 1983 [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 August 15, 1984.

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

AMENDATORY SECTION (Amending Order 2010, filed 8/19/83)

WAC 388-54-730 INCOME—ELIGIBILITY STANDARDS. Participation in the program shall be limited to those households whose incomes are determined to be a substantial limiting factor in permitting the household to obtain a more nutritious diet.

(1) Eligibility shall be determined on the basis of gross income and net food stamp income, except those households containing a member sixty years of age or over, or a member receiving Supplemental Security Income (SSI) benefits under Title XVI of the Social Security Act, or disability and blindness payments under Titles I, II, X, XIV or XVI of the Social Security Act, or is a veteran or a surviving disabled spouse or a surviving disabled child as defined by WAC 388-54-665 (2)(b).

The gross income eligibility standards shall be one hundred thirty percent of the office of management and budget's (OMB) nonfarm income poverty guidelines.

Effective (~~July 1, 1983~~) July 1, 1984,
 Gross Monthly Income Eligibility Standards Table

Household Size	Monthly Standards
1	\$ ((527)) 540
2	((709)) 728
3	((891)) 917
4	((1,073)) 1,105
5	((1,255)) 1,294
6	((1,437)) 1,482
7	((1,619)) 1,671
8	((1,801)) 1,859
((9	+1,983
+0	2,165))
Each additional person	+((182)) 189

Effective (~~July 1, 1983~~) July 1, 1984,
 Net Monthly Income Eligibility Standards Table

Household Size	Maximum Allowable Net Income
1	\$ ((405)) 415
2	((545)) 560
3	((685)) 705
4	((825)) 850
5	((965)) 995
6	((1,105)) 1,140
7	((1,245)) 1,285
8	((1,385)) 1,430
((9	+1,525
+0	1,665))
Each additional member	+((140)) 145

(2) Disabled individuals, sixty years of age or older, residing with others, must have the other members meet the following monthly income eligibility standard table. For definition of elderly disabled refer to WAC 388-54-665 (1)(d).

Effective (~~July 1, 1983~~) July 1, 1984,
 Elderly/Disabled Separate Household Income Eligibility Standards Table

Household Size	Maximum Gross Monthly Income Elderly/Disabled Separate Household
1	\$ ((669)) 685
2	((900)) 924
3	((1,131)) 1,164
4	((1,362)) 1,403
5	((1,593)) 1,642
6	((1,824)) 1,881
7	((2,055)) 2,121
8	((2,286)) 2,360
((9	2,517
+0	2,748))
Each additional member	+((231)) 240

WSR 84-17-071
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2141—Filed August 15, 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 adult protective services, amending WAC 388-15-120.

This action is taken pursuant to Notice No. WSR 84-14-007 filed with the code reviser on June 22, 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 74.08.090 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 97, Laws of 1984.

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

APPROVED AND ADOPTED August 15, 1984.

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

AMENDATORY SECTION (Amending Order 1562, filed 10/30/80)

WAC 388-15-120 ADULT PROTECTIVE SERVICES. (1) Adult protective services are those services provided to prevent, correct, improve, or remedy the situations of dependent adults eighteen years of age or older, vulnerable adults sixty years of age or older, ((who are)) or other adults unable to protect ((their own)) interests ((which are)) vital to ((their)) safety and well-being. Requests for protection may come from the person at risk or others ((who are)) concerned for ((his/her)) his or her welfare.

(2) To qualify for protective services, there must exist elements of abuse, neglect, exploitation, or living conditions or life style ((which constitute)) constituting a danger to mental or physical health or safety of the client or others, and there must be no one willing and able to assist the adult responsibly.

(3) Definitions.

(a) A "dependent adult" is a person over the age of eighteen years who has been found to be legally incompetent pursuant to chapter 11.88 RCW or found so disabled under that chapter as to be unable to provide for his or her own protection through the criminal justice system.

(b) A "vulnerable adult" is a person sixty years of age or older ((who has)) having the functional, mental, or physical inability to care for himself or herself.

(c) "Abuse" is an act of physical or mental mistreatment or injury ((which harms)) harming or ((threatens)) threatening a person with harm through action or inaction by another individual.

((b)) (d) "Neglect" is an act or omission by another individual ((which constitutes)) constituting a clear and present danger to a person's physical or mental welfare and safety.

((c)) (e) "Exploitation" is an act of making illegal or improper use of another person((s)) or his or her resources for one's own advantage or profit, or in a fashion ((which does)) not ((benefit)) benefiting the client.

((d)) (f) "Living conditions or life style ((which constitutes)) constituting a danger to mental or physical health or safety of the client or others" means adults living in a condition or life style in which they are endangering their own physical or mental health or safety, or that of others((or wasting their own resources)).

(4) The department shall respond to all reports, from any source, of abuse, neglect, exploitation, and abandonment of dependent or vulnerable adults. Responsibility for the adult protective service investigation lies with the CSO service worker who will determine if a valid adult protective situation exists.

(5) Adult protective service cases are normally of an emergency nature and remain adult protective cases only until the emergency situation is stabilized, usually ninety days or less.

(a) Any individual may receive adult protective services regardless of ((his/her)) his or her recipient status or level of gross income.

(b) Supportive services such as chore ((or homemaker)) may be provided without regard to income only when ((they)) the services are essential to, and a subordinate part of the adult protective services plan, and cannot be provided if the only basis of the care plan is prevention of future exploitation or danger.

(c) Authorization to extend adult protective services is required if, in the judgment of the service worker, it is essential to provide the service beyond ninety days. If supportive services are also necessary during the extended period, such services may be continued as long as ((they)) the services are an integral part of the adult protective services plan.

(d) If continuation of supportive services such as chore ((and homemaker are)) is needed after adult protective services are terminated, these services could be continued if the client qualifies under the usual eligibility requirements for the service.

(6) Services may include but are not limited to the following:

(a) Provision of counseling to the client or other individuals, and taking necessary actions to alleviate the immediate problem.

(b) Assisting in locating and obtaining medical care and mental health services.

(c) Assisting in locating necessary legal services.

(d) Arranging for support services to resolve the problem without relocating the client so the client is able to remain in ((his/her own home)) his or her present abode.

(e) Assisting with relocation, including help to locate suitable housing.

(f) Seeking help of law enforcement officials in situations of grave danger to the client.

(g) Acting as advocate for adults whose civil rights and financial entitlements are at risk.

(7) A person may receive protective services, provided the person requests or affirmatively consents to receive the services. If the person withdraws or refuses consent, services shall not be provided. The department may bring an action under chapter 11.88 RCW if the department determines a vulnerable adult lacks the ability or capacity to consent.

(8) The department may seek an injunction to prevent interference with an investigation concerning an allegation of abuse, neglect, exploitation, or abandonment of a vulnerable adult.

(9) Goals for adult protective services shall be limited to those specified in WAC 388-15-010 (1)(c), (d) and (e). Also see WAC 388-15-010(2).

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 84-17-072
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2142—Filed August 15, 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 monthly maintenance standard applicant not in own home, amending WAC 388-83-036.

This action is taken pursuant to Notice No. WSR 84-13-080 filed with the code reviser on June 21, 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 Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED August 15, 1984.

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

AMENDATORY SECTION (Amending Order 2085, filed 3/14/84)

WAC 388-83-036 MONTHLY MAINTENANCE STANDARD—APPLICANT NOT IN OWN HOME. (1) The monthly standard for a Title XVI related individual or GA-U recipient living in a CCF, adult family home, adult residential treatment facility (ARTF) or group home shall be the cost standard

of the facility plus a specified CPI. (~~Cost plus a specified CPI~~) This monthly standard may not exceed three hundred percent of the current SSI federal benefit level.

(2) The AFDC recipient receiving intensive (thirty days or less) alcohol treatment may be granted GA-U funds within the maximum which are paid to the facility for the cost of care.

(3) For the Title XVI related person with income, all earned and unearned exemptions allowed by SSI may be retained for personal needs. The GA-U recipient is subject to GA-U income and resource standards.

(4) If income available to the recipient is less than the CPI standard, a state payment is authorized to the recipient to meet his or her personal needs.

(5) Payment is made by the department to the facility for the difference between income available for payment on care and the cost standard of the facility.

WSR 84-17-073
ADOPTED RULES
DEPARTMENT OF LICENSING
[Order TL-RG 6—Filed August 15, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to disabled parking, new WAC 308-96A-310, 308-96A-315, 308-96A-320, 308-96A-325, 308-96A-330 and 308-96A-335.

This action is taken pursuant to Notice No. WSR 84-13-065 filed with the code reviser on June 20, 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 director of the Washington State Department of Licensing as authorized in RCW 46.01.110 and section 2(2), chapter 154, Laws of 1984.

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

APPROVED AND ADOPTED August 9, 1984.

By John Gonzalez
Director

NEW SECTION

WAC 308-96A-310 APPLICATION—DISABLED PERSON PARKING PRIVILEGES. Application must be made on forms provided by the Department and signed by the applicant. If the applicant is physically unable to sign, the application may be signed by a family member, stating their relationship to the applicant. If signing by mark (X), signatures of two witnesses are required.

A statement from a physician is required to certify the applicant's disability; except, amputees visually verified by the licensing agent. If the disability is temporary, the physician must indicate the expected length of disability.

Special license plates may be issued for vehicles registered to the applicant. If the vehicle is not registered to the applicant, a special decal may be issued; provided, that an affidavit is submitted certifying the relationship of the registered owner to the applicant and that the vehicle is used primarily for the transportation of the applicant.

NEW SECTION

WAC 308-96A-315 TEMPORARY PERMITS. A temporary permit may be issued upon visual verification of a temporary disability for a maximum of two weeks and may not be extended without a physician's certificate of disability. An out-of-state visitor may be issued a temporary permit provided he or she submits proof that they have been determined eligible for disabled parking privileges in another state.

NEW SECTION

WAC 308-96A-320 CARDIOVASCULAR DISEASE. Functional limitations of cardiovascular disease as classified under standards accepted by the American Heart Association are defined as: (1) Class III. Patients with cardiac disease resulting in marked limitation of physical activity. They are comfortable at rest. Less than ordinary physical activity causes fatigue, palpitation, dyspnea, or anginal pain. (2) Class IV. Patients with cardiac disease resulting in inability to carry on any physical activity without discomfort. Symptoms of cardiac insufficiency or of the anginal syndrome may be present even at rest. If any physical activity is undertaken, discomfort is increased.

NEW SECTION

WAC 308-96A-325 LOSS OF PERMIT, DECAL, PLATE. Replacement of a disabled parking permit, decal or license plate will be issued upon receipt of a signed notarized statement from the applicant certifying that the permit, decal or license plate has been lost, stolen, destroyed or mutilated.

NEW SECTION

WAC 308-96A-330 APPLICATION, ELIGIBILITY—PUBLIC TRANSPORTATION AUTHORITIES—DISABLED PARKING PERMITS. Application must be made on forms provided by the department and signed by an appropriate official of the public transportation authority. For the purpose of determining who is eligible for special parking privileges for the disabled, public transportation authorities are those entities operating motor vehicles or other devices capable of being moved on a public highway. The vehicles shall be owned or operated by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, and must be used for the purpose of carrying passengers and their baggage or freight incident to business or programs conducted by those authorities: PROVIDED, That those authorities may contract with private carriers to perform services entitling the carriers to the special parking privileges.

NEW SECTION

WAC 308-96A-335 PUBLIC TRANSPORTATION PERMITS—TRANSFER, LIMITATIONS. Permits issued to public transportation authorities are limited to one for each vehicle used to transport eligible disabled persons. Permits issued to public transportation authorities are not transferable to another vehicle. When the assigned vehicle is no longer being used by the public transportation authority to transport qualified disabled persons, the responsible official of the public transportation authority must notify the department and surrender the permit. In lieu of the permit, a statement verifying the permit has been destroyed may be accepted.

WSR 84-17-074

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order TL-RG 7—Filed August 15, 1984]

I, John Gonzalez, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to unpaid parking fines, adopting WAC 308-96A-345, 308-96A-350, 308-96A-355, 308-96A-360, 308-96A-365, 308-96A-370, 308-96A-375 and 308-96A-380.

This action is taken pursuant to Notice No. WSR 84-13-064 filed with the code reviser on June 20, 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 director of the Washington State Department of Licensing as authorized in RCW 46.01.110.

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

APPROVED AND ADOPTED August 9, 1984.

By John Gonzalez
Director

NEW SECTION

WAC 308-96A-345 DEFINITIONS. For the purposes of chapter 46.16 RCW the following definitions apply:

(1) "Jurisdiction" shall mean any district, municipal, justice and/or superior court.

(2) "NCIC (ORI) number" means the numeric code assigned by the National Crime Information Center (originator) to identify a jurisdiction.

(3) "Department" shall mean the Department of Licensing.

(4) "Parking violation list" shall mean a computerized listing containing all outstanding parking violations which have been processed by the department and which must be satisfied prior to renewal of license.

(5) "Agent" shall mean any county auditor, or other individual or business entity appointed to carry out vehicle licensing and titling functions for the department.

(6) "Unprocessed" shall mean no update of the computer record has occurred.

(7) "Jurisdiction seal" shall mean method of verifying authenticity of court documents.

(8) "Municipality" means every court having jurisdiction over offenses committed under RCW 46.20.270.

(9) "Local agencies" shall include district, municipal, justice and/or superior courts, and other local reporting agencies.

(10) "150 day notice" shall mean a warning notice of those violations received by the department 150 days prior to the license renewal date. The notice will list the dates and jurisdictions in which the violations occurred, unpaid fines, penalties, and a ten dollar surcharge.

NEW SECTION

WAC 308-96A-350 OUTSTANDING PARKING TICKETS - INFORMATION TO BE SUPPLIED BY ISSUING JURISDICTION. In order to submit notification of outstanding parking tickets, a jurisdiction must provide the following:

- (1) Jurisdiction name,
- (2) NCIC number (ORI),
- (3) Parking ticket number,
- (4) Date parking ticket was issued,
- (5) Vehicle license plate number, and
- (6) Fine and penalty amount,
- (7) Jurisdiction seal,
- (8) Signature and date when required on form.

Such information must be provided on a form issued by the department, or on a computer listing sheet, or magnetic tape generated in accordance with department instructions.

Provided that an original report against a vehicle record must contain a minimum of three outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless such vehicle record indicates all existing tickets have been paid and no further tickets have been accrued in the thirteen months following said payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of three violations.

NEW SECTION

WAC 308-96A-355 SATISFACTION OF PARKING TICKETS - INFORMATION TO BE SUPPLIED BY ISSUING JURISDICTION. Upon satisfaction of fines and penalties previously reported as outstanding against a vehicle, the collecting jurisdiction must:

- (1) Furnish the registered owner with a proof of payment form as provided by the department, and
- (2) Within ten days of such payment, supply the department with the following information:
 - (a) Jurisdiction name,
 - (b) NCIC number (ORI),

- (c) Parking ticket number,
- (d) Date parking ticket was issued,
- (e) Vehicle license plate number,
- (f) Date of satisfaction,
- (g) Jurisdiction seal, and
- (h) Signature and date when required on form.

Such information must be provided on a form issued by the department or on a computer listing sheet or magnetic tape generated in accordance with department instructions.

NEW SECTION

WAC 308-96A-360 RETURN OF UNACCEPTABLE NOTIFICATION TO JURISDICTION. Notification of outstanding parking ticket violations and satisfactions will be returned to the jurisdiction unprocessed for such reasons as:

- (1) No vehicle record on the computer by the license plate number;
- (2) Incorrect and/or missing data required by WAC 308-96A-350 and WAC 308-96A-355;
- (3) Ticket issue date is prior to June 30, 1984;
- (4) Ticket satisfaction date is prior to issue date;
- (5) The vehicle computer record indicates at least one of the following conditions exist:
 - (a) Vehicle has been reported destroyed by an insurance company, scrap processor, or wrecker;
 - (b) Vehicle has been titled and/or registered out of state;
 - (c) Date of transfer of ownership is more current than issue date of violation;
 - (d) License plate which lawfully may be retained by the owner, has been transferred to another vehicle and the vehicle for which the ticket was incurred has been transferred, or
 - (e) Vehicle was reported stolen prior to the ticket issue date.

NEW SECTION

WAC 308-96A-365 REINSTATEMENT OF PARKING TICKET. (1) A parking ticket previously reported as satisfied may be reinstated for such reasons as, but not limited to:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties.

(2) The jurisdiction seeking reinstatement of a parking ticket must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number (ORI),
- (c) Parking ticket number,
- (d) Date parking ticket was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal,
- (h) Signature and date when required on form,
- (i) Reason for reinstatement.

Such information must be on a form issued by the department or on a computer listing sheet.

NEW SECTION

WAC 308-96A-370 REMOVAL OF PARKING TICKET INFORMATION FROM ACTIVE FILE. Parking tickets incurred for a given vehicle will be maintained on that vehicle's record with the department until such time as one of the following occurs:

- (1) Proof of payment is submitted to the department.
- (2) The department is notified by the issuing jurisdiction that the ticket has been cleared.
- (3) There is a change (such as addition or deletion of another owner) in registered ownership from that shown on record at the time the ticket was incurred.
- (4) Receipt of notification that the vehicle was reported stolen prior to issuance of the ticket(s).
- (5) If thirty-six months elapse with no renewal activity against the vehicle, both vehicle and parking violation records will be placed in an inactive file.

NEW SECTION

WAC 308-96A-375 PARKING VIOLATION LIST. Upon written request to the department by the registered and/or legal owner(s) of record, a computerized parking violation list may be furnished in addition to any list which may have already been provided by the department. Such service will also be provided by automated agencies when available.

NEW SECTION

WAC 308-96A-380 EFFECT OF 150 DAY NOTICE ON LICENSE RENEWAL. Violations reported to the department after the 150 day notice is generated, will be posted on the vehicle license renewal record applicable to the following year.

To renew license of a vehicle whose record indicates that 150 day notice should have been generated, and whose record also indicates that all violations applicable to the current licensing period have been satisfied, the renewal application must include payment of licensing fees due, and payment of the ten dollar surcharge.

To renew license of a vehicle whose record indicates that a 150 day notice should have been generated, and whose record also indicates that violations applicable to the current licensing period remain unsatisfied, the renewal application must be accompanied by proof of payment of those violations, payment of licensing fees due, and payment of the ten dollar surcharge.

WSR 84-17-075
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-110—Filed August 15, 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 restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Stillaguamish chinook. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 10D, 10F and 10G provide protection for Lake Washington sockeye while allowing harvest of surplus chinook. Restrictions in Area 7C and the Samish River provide protection for milling summer/fall chinook returning to the Samish Hatchery. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Area 13A and Nooksack and White River and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer/fall chinook. Restrictions in the Dungeness, Elwha, Sekiu, Hoko, Clallam, Pysht and Lyre rivers, Deep and Salt creeks and Area 6D provide protection for local summer/fall chinook stocks.

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

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

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

APPROVED AND ADOPTED August 15, 1984.

By Frank Haw
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-414 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. *Effective immediately, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:*

Areas 4B, 5 and 6C – Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6, 6A, 7 and 7A – Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6B, 9 – Closed to all commercial fishing.

Area 6D – Closed to all commercial fishing.
 Area 7C – Closed to all commercial fishing southeasterly of a line from the mouth of Oyster Creek 237° true to a fishing boundary marker on Samish island.

Area 8 – Closed to all commercial fishing.
 Skagit River – (1) Mouth to Baker River – Closed to all net gear except dip bag nets, and all chinook greater than 24 inches in length must be released when open. (2) Upstream of Baker River including all tributaries – Closed to all commercial fishing.

Area 10C – Closed to all commercial fishing.

Area 10D – (1) Gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open. (2) Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek.

Areas 10F and 10G – Gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open.

*Area 13A – Closed to all commercial fishing in that portion within 1,000-foot radius from the outer oyster stakes off Minter Creek and all of Minter Creek Bay.

Nooksack River – Upstream of confluence, closed to all commercial fishing.

Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, Sekiu River, Hoko River, Clallam River, Pysht River, Lyre River, Salt Creek, and Deep Creek – Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-28-413 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-93)

WSR 84-17-076
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-111—Filed August 15, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is protection of returning White River stock chinook salmon.

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

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

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

APPROVED AND ADOPTED August 15, 1984.

By Frank Haw
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-18000P BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective August 16, 1984 until further notice it is unlawful to fish for or possess salmon taken for personal use from those waters of Carr Inlet within 1000 feet of the outer oyster stakes at the mouth of Minter Creek.

REPEALER

The following section of the Washington Administrative Code is repealed effective August 16, 1984:

WAC 220-56-180000 BAG LIMIT CODES. (84-94)

WSR 84-17-077
ADOPTED RULES
BOARD OF HEALTH
 [Order 275—Filed August 16, 1984]

Be it resolved by the Washington State Board of Health, acting at Vancouver, Washington, that it does adopt the annexed rules relating to:

Rep	WAC 248-18-030	Organization and staff—Medical staff.
New	WAC 248-18-031	Governing body and administration.
New	WAC 248-18-033	Medical staff.
Amd	WAC 248-18-001	Definitions.

This action is taken pursuant to Notice No. WSR 84-14-089 filed with the code reviser on July 3, 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 70.41.030 and is intended to administratively implement that statute.

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

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

APPROVED AND ADOPTED August 14, 1984.

By John A. Beare, MD
Director

AMENDATORY SECTION (Amending Order 269,
filed 9/20/83)

WAC 248-18-001 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of an individual patient under circumstances indicating the health, welfare, and safety of the patient is harmed thereby. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility has been delegated (e.g., teachers, providers of residential care and/or treatment, providers of day care):

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

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American osteopathic association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle or substance, whether physical, chemical or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including, minimally, first initial, last name, and title.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a

woman and newborn and to accommodate her support persons during the complete process of vaginal childbirth (three stages of labor and recovery of woman and newborn).

(10) "Board" means the Washington state board of health.

(11) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

(12) "Department" means the Washington state department of social and health services.

(13) "Dentist" means an individual licensed under chapter 18.32 RCW.

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

(15) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders, giving the individual dose to the proper patient, and properly recording the time and dose given.

(16) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

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

(18) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not to exceed four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

(19) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(20) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

((20)) (21) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

((21)) (22) "He, him, his or himself" means a person of either sex, male or female, and does not mean preference for nor exclude reference to either sex.

((22)) (23) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extra-uterine existence is compromised by a number of factors, (prenatal, natal or postnatal), and who is in need of special medical or nursing care.

((23)) (24) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include hotels, or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come within the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital, or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

((24)) (25) "Infant" means a baby or very young child up to one year of age.

((25)) (26) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment, used for the care of an individual infant.

((26)) (27) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

((27)) (28) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) has been approved by the Food and Drug Administration.

((28)) (29) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

((29)) (30) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

((30)) (31) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

((31)) (32) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

((32)) (33) "May" means permissive or discretionary on the part of the board or the department.

((33)) (34) "Medical staff" means ~~(those)~~ physicians and may include other practitioners appointed by the governing ~~(authority)~~ body to practice(,) within the parameters of governing body and medical staff by-laws(, in the hospital).

((34)) (35) "Movable equipment" means equipment not built-in, fixed or attached to the building.

((35)) (36) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

((36)) (37) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

((37)) (38) "Neonatal intensive care nursery" means an area designed, organized, and equipped to provide constant nursing care to the high-risk infant.

((38)) (39) "New construction" means any of the following:

- (a) New buildings to be used as hospitals;
- (b) Additions to existing buildings to be used as hospitals;
- (c) Conversion of existing buildings or portions thereof for use as hospitals;
- (d) Alterations.

((39)) (40) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

((40)) (41) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

((41)) (42) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

((42)) (43) "Obstetrical area" means the portions or units of the hospital designated or designed for care and

treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

((43)) (44) "Occupational therapist" means an individual having graduated with a bachelors degree in occupational therapy from a university or college occupational therapy program and having completed field work requirements of that program.

((44)) (45) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

((45)) (46) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

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

((47)) (48) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

((48)) (49) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments, or where prescriptions are filled.

((49)) (50) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

((50)) (51) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

((51)) (52) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

((52)) (53) "Physician's assistant" means an individual who is not a physician but is practicing medicine in accordance with the provisions of chapter 18.71A RCW and the rules and regulations promulgated thereunder, or in accordance with provisions of chapter 18.57A RCW and the rules and regulations promulgated thereunder.

((53)) (54) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

((54)) (55) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" defined in subsections (65) and (66) of this section.

((55)) (56) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and eligible for certification by the American board of psychiatry and neurology as described in "Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate

Medical Education," American Medical Association, 1981-1982, or eligible for certification by the American osteopathic board of neurology and psychiatry as described in "American Osteopathic Association Yearbook and Directory," 1981-1982.

((56)) (57) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

((57)) (58) "Recreational therapist" means an individual with a bachelor's degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

((58)) (59) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

((59)) (60) "Referred outpatient diagnostic service" means a service provided to an individual receiving his or her medical diagnosis, treatment, and other health care services from one or more sources outside the hospital; limited to diagnostic tests and examinations not involving the administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

((60)) (61) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

((61)) (62) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

((62)) (63) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

((63)) (64) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

((64)) (65) "Safety device" means a device used to safeguard a patient who, because of his or her developmental level or condition, is particularly subject to accidental self-injury.

((65)) (66) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

~~((66))~~ (67) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant or occupants.

~~((67))~~ (68) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

~~((68))~~ (69) "Shall" means compliance is mandatory.

~~((69))~~ (70) "Should" means a suggestion or recommendation, but not a requirement.

~~((70))~~ (71) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

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

~~((71))~~ (72) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

~~((72))~~ (73) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

~~((73))~~ (74) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

~~((74))~~ (75) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following: Incision, excision, or curettage of tissue or an organ; suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture; extraction of tissue including the premature extraction of the products of conception from the uterus; or an endoscopic examination with use of a local or general anesthesia.

~~((75))~~ (76) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

~~((76))~~ (77) "Toilet" means a room containing at least one water closet.

~~((77))~~ (78) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

~~((78))~~ (79) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

~~((79))~~ (80) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation of such shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and/or other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

NEW SECTION

WAC 248-18-031 GOVERNING BODY AND ADMINISTRATION. (1) The hospital shall have a governing body responsible for adoption of policies concerning the purposes, operation and maintenance of the hospital, including safety, care, and treatment of patients.

(2) The governing body shall provide personnel, facilities, equipment, supplies, and services to meet the needs of patients within the purposes of the hospital.

(3) The governing body shall appoint an administrator who shall be responsible for implementing the policies adopted by the governing body.

(4) The governing body shall:

(a) Have the authority and responsibility for the appointment and periodic reappointment of the medical staff, and

(b) Require the medical staff be accountable to the governing body through approval under the medical staff organization bylaws, and rules as applied by the governing body.

(5) The governing body shall require evidence that each individual granted clinical privileges pursuant to medical staff bylaws has appropriate and current qualifications.

(6) The governing body shall require each person admitted to the hospital to be under the care of a member of the medical staff possessing clinical privileges.

NEW SECTION

WAC 248-18-033 MEDICAL STAFF. (1) There shall be a medical staff appointed by the governing body.

(2) Medical staff bylaws, rules, and regulations shall be subject to approval by the governing body. These bylaws and rules shall include qualifications for medical staff membership, procedures for delineation of hospital specific clinical privileges, and organization of the medical staff.

REPEALER

The following section of the Washington Administrative Code is repealed:

(1) WAC 248-18-030 ORGANIZATION AND STAFF—MEDICAL STAFF.

WSR 84-17-078
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed August 16, 1984]

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

- Amd WAC 458-18-010 Deferral of special assessments and/or property taxes—Definitions.
- Amd WAC 458-18-020 Deferral of special assessments and/or property taxes—Qualifications for deferral.
- Amd WAC 458-18-030 Deferral of special assessments and/or property taxes—Declarations to defer—Filing—Forms.
- Amd WAC 458-18-050 Deferral of special assessments and/or property taxes—Declarations to renew deferral—Filing—Forms.
- Amd WAC 458-18-060 Deferral of special assessments and/or property taxes—Limitations of deferral—Interest.
- Amd WAC 458-18-070 Deferral of special assessments and/or property taxes—Duties of the county assessor.
- Amd WAC 458-18-080 Deferral of special assessments and/or property taxes—Duties of the Department of Revenue—State treasurer.
- Amd WAC 458-18-100 Deferral of special assessments and/or property taxes—When payable—Collection—Partial payment;

that the agency will at 9:00 a.m., Friday, September 28, 1984, in Room 301, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 5, 1984.

The authority under which these rules are proposed is RCW 84.38.180.

The specific statute these rules are intended to implement is chapter 84.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 3, 1984.

Dated: August 16, 1984
 By: Trevor W. Thompson
 Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Senior citizens or disabled persons deferral of special assessments or property taxes, definitions, qualifications, declaration to defer, forms, renewals, limitations, interest, county assessor, Department of Revenue, state treasurer, when payable, collection and partial payment.

Purpose: To amend rule to conform to statutory change caused by chapter 322, Laws of 1981.

Statutory Authority: RCW 84.38.180 directs the Department of Revenue to make rules and regulations to provide for effective administration of the deferral.

Summary and Reasons for the Rule: Chapter 220, Laws of 1984 amended the qualifications and filings for

the senior citizen or disabled persons deferral to make them coincide with the senior citizens or disabled persons exemption. This will make it easier for people to apply and qualify and will substantially reduce the paper work involved. These amendments will bring the existing rules into compliance with the new law.

Drafter of the Rule, Rule Implementation and Enforcement: Peri Maxey, Evergreen Plaza Building, Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-1942.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal law involved or action required by the courts.

Small Business Impact: None.

AMENDATORY SECTION (Amending Order PT 81-8, filed 2/11/81)

WAC 458-18-010 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DEFINITIONS. (1) "Claimant" means a (~~retired~~) person who is receiving a property tax exemption under RCW 84.36.381 through 84.36.389 and who either elects or is required under RCW 84.64.030 or 84.64.050 to defer payment of the special assessments and/or real property taxes on his or her residence. If two individuals of a household seek to defer, they must determine between them as to who the claimant shall be.

(2) (~~"Consumer price index" means the consumer price index for urban wage earners and clerical workers as compiled by the Bureau of Labor Statistics of the United States Department of Labor.~~

(~~3~~) "Department" means the Washington state department of revenue.

(~~4~~) (3) "Equity value" means the amount by which the true and fair value of a residence as shown on the county property tax rolls for the year the deferral is to be made exceeds the total amount of all liens, obligations and encumbrances against the property excluding the deferral liens.

(~~5~~) "~~Owned~~" includes possession under a contract of sale, deed of trust, joint tenancy, or tenancy in common. Ownership also includes a person who has transferred the property under a revocable trust agreement if the claimant has full use of the property and is able to revoke the trust and take ownership. A share interest in cooperative housing or a life estate retained in a property shall not be considered as ownership. Ownership by a marital community shall be deemed to be owned by each spouse. Property held in the ownership of one spouse is not to be considered as owned by a marital community and must be qualified by the legal owner. "~~Cotenant~~" means two or more individuals who reside together, who jointly own the residence, and who otherwise meet the requirements of this section.

(~~6~~) (4) "Special assessment" means the charge or obligation imposed by a city, town, county or other municipal corporation upon property specially benefited by a local improvement as provided in chapters:

- (a) 35.44 RCW—Local improvements—Assessments and reassessments (cities and towns)
 - (b) 36.88 RCW—County road improvement districts (counties)
 - (c) 36.94 RCW—Sewer, water and drainage systems (counties)
 - (d) 53.08 RCW—Powers (port districts)
 - (e) 54.16 RCW—Powers (public utility districts)
 - (f) 56.20 RCW—Utility local improvement districts (sewer districts)
 - (g) 57.16 RCW—Comprehensive Plan—Local improvement districts (water districts)
 - (h) 86.09 RCW—Flood control districts—1937 Act (flood control)
 - (i) 87.03 RCW—Irrigation districts generally (irrigation)
- along with any others that may be relevant.

The term does not include the charge or obligation for services specially benefiting property not involving the construction of permanent improvements to real property, e.g., mosquito control, weed control, etc.

(~~7~~) (5) "Real property taxes" means ad valorem property taxes levied on a residence in this state (~~in the preceding year~~).

~~((8)) "Preceding calendar year" means the calendar year preceding the year in which the declaration to defer special assessments and/or real property taxes are filed.~~

~~(9) The term "residence" means a single family dwelling unit whether such unit be separate or part of a multiunit dwelling, and includes the land on which the dwelling stands not to exceed one acre. It includes a single family dwelling situated upon lands the fee of which is vested in the United States or any instrumentality thereof including an Indian tribe or in the state of Washington or its political subdivisions. Also included is a mobile home which has substantially lost its identity as a mobile unit by being fixed in location upon land owned, leased or rented by the owner of said mobile home and placed on a foundation, posts, or blocks with fixed pipe connections with sewer, water or other utilities even though it may be listed and assessed by the county assessor as personal property.~~

~~The residence must have been occupied by the person claiming the deferral as the principal or main residence of the claimant. It does not include a residence used merely as a vacation home.~~

~~For purposes of this deferral, principal or main residence means a residence the claimant resides at or dwells in for more than six months each year. Items to be considered in verifying residency can be ownership of another residence, voter registration and vehicle licensing.~~

~~(10) The term "real property" for the purposes of WAC 458-18-010 through 458-18-100 includes all residences, as defined in subsection (9) of this section, and the land on which a mobile home is located if both the land and mobile home are owned by a qualified claimant.~~

~~(11) "Reside permanently" and/or "regularly occupy" shall mean to dwell or occupy indefinitely without intent to change. Temporary absences, such as being confined to a hospital or nursing home for medical purposes, shall not be considered as evidencing an intent to change residence or occupancy.~~

~~(12) "Combined disposable income" means the disposable income of the person claiming the deferral, plus the disposable income of his or her spouse, and the disposable income of each cotenant occupying the residence for the year preceding the year the taxes were levied. Disposable income shall be as defined in WAC 458-16-013 as now or hereafter amended.~~

~~(13) The term "gainful employment" is used to indicate any labor or services which results in an increase in wealth or earnings. The usage is sufficiently broad to include the performance of any function or activity, whether initiated by the person performing or by any other person. It also is broad enough to include any payment therefor, whether in money or in goods, so long as the person performing realizes a gain, as opposed to a loss, from any source. It is not necessary that the gain be "wages" in any technical sense, or that the arrangement under which the labor or service is performed be the conventional one of employer or employee. Judicial consideration of the meaning of the term indicates, however, that a woman acting as a housewife, for her husband and family only, is not engaged in "gainful employment."~~

~~(14) "Regular" means consistent or habitual.~~

~~(15) The term "family" includes a single person, any number of related persons, or a group not exceeding a total of eight related and nonrelated, nontransient persons living as a single non-profit house keeping unit. The term does not, however, include a boarding or rooming house.~~

~~(16) "Physical disability" means the condition of being disabled, resulting in the inability to pursue an occupation because of a physical impairment. A doctor's statement shall constitute proof of such disability and shall be required before the exemption may be granted.~~

~~(17) "Retired" means to have withdrawn oneself from regular gainful employment.~~

~~(18)) (6) "Fire and casualty insurance" means a policy with an insurer that is authorized to insure property in this state by the state insurance commission.~~

~~((19)) (7) "Lien" means any interest in property given to secure payment of a debt or performance of an obligation, and shall include a deed of trust. It shall include the total amount of assessments and/or property taxes deferred and the interest thereon.~~

AMENDATORY SECTION (Amending Order PT 81-8, filed 2/11/81)

WAC 458-18-020 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—QUALIFICATIONS FOR DEFERRAL. A ((retired)) person may ((elect to)) defer payment of special assessments and/or real property taxes on his ((residence)) property that is receiving an exemption under RCW 84.36.381 through

84.36.389 on up to eighty percent of the amount of his equity value in said property if the following conditions are met:

(1) ((The special assessments and/or property taxes must have been imposed upon a residence: (a) Which has been regularly occupied by the claimant during the two calendar years preceding the year in which the declaration to defer is filed, or (b) which was occupied by the claimant as a principal place of residence as of January 1 of the year in which the declaration is filed and the claimant must also have been a resident of the state of Washington for the last three calendar years preceding the year in which the declaration is filed.

~~(2)) The claimant must have owned, at the time of filing, the residence on which the special assessment and/or real property taxes have been imposed. For purposes of this subsection a residence owned by a marital community or owned by cotenants shall be deemed to be owned by each spouse and cotenant. A claimant who has only a share ownership in cooperative housing, a life estate, a lease for life or a revocable trust does not satisfy the ownership requirement.~~

~~((3) The person claiming the deferral must have been:~~

~~(a) Sixty-one years of age or older on January 1st of the year in which the declaration to defer is filed; or~~

~~(b) At the time of filing retired from regular gainful employment by reason of physical disability; or~~

~~(c) A surviving spouse of a person who was receiving the deferral at the time of their death, if the surviving spouse was fifty-seven years of age or older on January 1st of the year in which the deferral is filed or attained the age of fifty-seven in the year of the claimant's death.~~

~~(4) The claimant, his or her spouse, and any cotenants must not have received a combined income, from all sources whatsoever, during the preceding calendar year which exceeds the following amounts:~~

~~(a) For declarations filed in 1976 — eight thousand dollars;~~

~~(b) For declarations filed in subsequent years, an amount equal to the previous year's income limit adjusted by the percentage change in the consumer price index for the twelve-month period ending September 30 of the previous year.~~

~~(5)) (2) The claimant must have and keep in force fire and casualty insurance in sufficient amount to protect the interest of the state of Washington and shall designate the state as a loss payee upon said policy.~~

~~((6)) (3) In the case of special assessment deferral, the claimant must have opted for payment of such special assessments on the installment method if such method was available.~~

AMENDATORY SECTION (Amending Order PT 81-8, filed 2/11/81)

WAC 458-18-030 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DECLARATIONS TO DEFER—FILING—FORMS. (1) Declarations to defer special assessments and/or real property taxes for any year shall be filed no later than thirty days before the tax or assessment is due, ~~((however, for administrative purposes claimants should be encouraged to file in the assessment year))~~ or thirty days after receiving notice under RCW 84.64.030 or 84.64.050 whichever is later. For good cause shown the department may waive this requirement. All declarations to defer shall be made and signed by the claimant. If the claimant is unable to make his or her own declaration, it may be made and signed by a duly authorized agent or by a guardian or other person charged with care of the person or property of such claimant.

(2) The declaration to defer shall be made solely upon forms prescribed by the department of revenue and supplied by the county assessor. Such forms shall contain the following:

(a) Name and address of the claimant.

~~((b)) ((Legal description and parcel number of the property to which the deferral applies. If the property described upon the assessment rolls by the assessor contains more than one acre, the claimant must supply a complete and accurate legal description that encompasses the residence and that does not contain more than one acre.~~

~~((c)) An affirmation that the claimant meets the conditions of WAC 458-18-020 including, but not limited to ((- (i) The amount and type of income received the previous calendar year, and ((- (ii)) the name, address, policy number, and amount of fire and casualty insurance carried on the residence.~~

~~((d)) (c) A list of all members of the claimants household.~~

~~((e)) (d) The claimant's equity in his residence including all liens, obligations and encumbrances against the property.~~

~~((f)) (e) Information concerning any special assessments to be deferred.~~

~~((g))~~ (f) The names of other parties with an interest in the residence to which the deferral applies.

~~((h))~~ (g) Signatures of other parties in interest designating the claimant.

~~((i))~~ (h) Signature of any mortgagee, contract purchase holder and/or beneficiary under a deed of trust.

~~((j))~~ (i) An affirmation that the claimant is aware of the lien of the deferred special assessments and/or real property taxes and when the lien becomes payable.

~~((k))~~ (j) A numbering system approved by the department.

~~((l))~~ (k) Any other pertinent information the department deems relevant.

AMENDATORY SECTION (Amending Order PT 81-8, filed 2/11/81)

WAC 458-18-050 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DECLARATIONS TO RENEW DEFERRAL—FILING—FORMS. (1) Declarations to defer assessments and/or real property taxes for all years following the first year shall be made by filing a "declaration to renew deferral" with the county assessor no later than thirty days before the tax or assessment is due (~~however, for administrative purposes claimants should be encouraged to file in the assessment year~~). For good cause shown the department may waive this requirement. If the claimant is unable to make his or her renewal declaration, it may be made and signed by a duly authorized agent or by a guardian or other person charged with care of the person or property of such claimant.

(2) Such "declaration to renew deferral" will be made solely upon forms prescribed by the department and supplied by the county assessor. The "declaration to renew deferral" form shall include, but not be limited to, those requirements contained in WAC 458-18-030(2)(a), (2)(b), (2)(~~c~~)(d), (2)(e), (2)(~~f~~)(i), (2)(j), and (2)(k) (~~and~~ (2)(~~l~~)).

AMENDATORY SECTION (Amending Order 81-12, filed 10/8/81)

WAC 458-18-060 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—LIMITATIONS OF DEFERRAL—INTEREST. No deferral shall be granted if the liens created by the deferrals of special assessments and/or real property taxes (~~shall not~~) equal or exceed eighty percent of the claimant's equity value in said property. Equity value will be determined as of January 1 in the year the taxes are to be deferred.

The liens shall include:

(1) The total amount of special assessments and/or real property taxes deferred, plus

(2) Interest on the amount deferred at the rate of eight (8%) percent per year, from the time it could have been paid before delinquency until said lien is paid.

AMENDATORY SECTION (Amending Order PT 76-1, filed 4/7/76)

WAC 458-18-070 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DUTIES OF THE COUNTY ASSESSOR. The county assessor shall: (1) determine each year if each claimant filing a "Declaration to defer" and/or a "Declaration to renew deferral" shall be granted a deferral (~~for the following year~~). If the assessor determines the claimant is not eligible, he shall notify the claimant (~~prior to July 15 of that year~~) as soon as possible;

(2) In January of each year mail renewal declarations to each claimant (~~whose declaration had been approved~~) who had received a deferral the previous year;

(3) Immediately transmit one copy of each approved declaration to the department (~~prior to July 15~~);

(4) Transmit one copy of each approved declaration to the local improvement district which imposed the assessment that is to be deferred. Such district shall verify the figures concerning said assessment supplied by the claimant and notify the assessor of the correct figures if those supplied are inaccurate;

(5) Compute the dollar tax rates under the provisions of chapter 84.52 RCW as if the deferrals did not exist;

(6) As soon as possible notify the department (~~prior to December 15~~) of the amount of special assessments and/or real property taxes deferred for each claimant for that year. Such notice shall contain any corrections brought about by subsection (4) of this section;

(7) (~~On or before December 15~~) As soon as possible notify the county treasurer and the respective treasurers of the local improvement districts of which claimants and properties have qualified for deferral and the amount that will be paid by the state treasurer on behalf of the claimant;

(8) Notify the county treasurer and the department immediately upon occurrence of any condition set forth in WAC 458-12-100(1).

AMENDATORY SECTION (Amending Order PT 81-8, filed 2/11/81)

WAC 458-18-080 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—DUTIES OF THE DEPARTMENT OF REVENUE—STATE TREASURER. The department shall: (1) (~~Publish prior to December 31 of each year the maximum amount of income, as adjusted by WAC 458-18-020(4), that a claimant may have received that year to qualify for deferral~~;

(2)) Notify the county assessor as soon as possible of any declaration to defer, where any factor appears to disqualify the claimant;

~~((3))~~ (2) Certify to the state treasurer (~~prior to February 15 of~~) the amount due the respective treasurers for any special assessments and/or real property taxes deferred for that year;

~~((4))~~ (3) File (~~liens against the property upon which a deferral has been made with the respective auditors or recorders of the counties in which the property is located. Such liens will be filed annually at the time payment is made by the state treasurer~~) a notice of the deferral with the county recorder or auditor;

~~((5) Notify the county assessor prior to December 31 of each year of those claimants and the properties upon which the assessments and/or taxes have been paid by the state and the amount of the liens, including the accrued interest, upon those properties as of the last day of December-)~~

(4) Notify the department of licensing to show the state's lien on the certificate of ownership of a mobile home.

The department may audit any "declaration to defer" and/or "declaration to renew deferral" it deems necessary.

The state treasurer shall pay, before delinquency, to the county treasurers and the treasurers of the respective local improvement districts the amounts certified by the department of revenue. The amount paid shall be distributed to the districts which levied the taxes.

AMENDATORY SECTION (Amending Order PT 81-8, filed 2/11/81)

WAC 458-18-100 DEFERRAL OF SPECIAL ASSESSMENTS AND/OR PROPERTY TAXES—WHEN PAYABLE—COLLECTION—PARTIAL PAYMENT. (1) Any special assessments and/or real property taxes deferred shall become payable together with interest: (a) Upon the conveyance of property which has a deferred special assessment and/or real property tax lien upon it.

(b) Upon the death of the claimant except when the surviving spouse is qualified and elects to incur the lien and continue the deferment by (i) filing an original "declaration to defer" within ninety days of the claimant's death and (ii) continuing to meet the qualifications of WAC 458-18-010 through 458-18-100.

When a surviving spouse elects to continue the deferment, the spouse then becomes the claimant and is fully subject to the conditions of WAC 458-18-010 through 458-18-100.

(c) Upon condemnation of property with a deferred special assessment and/or real property tax lien upon it by a public or private body exercising the power of eminent domain: PROVIDED, That if the assessed value of the property not condemned exceeds the amount of the liens, including interest, the claimant may elect to have the liens set over to the property retained: PROVIDED FURTHER, That the amount of the lien allowed to be set over shall not exceed 80% of the claimant's equity in the retained property.

(d) At such time as the claimant ceases to reside permanently in the residence upon which the deferral has been granted. If the cessation occurs between filing the declaration and (~~December 15 of that year~~) the date the taxes are payable, the deferral shall not be allowed.

(e) Upon the failure of the claimant to have or keep in force fire and casualty insurance in sufficient amount to protect the interest of the state of Washington or failure to keep the state listed as a loss payee upon said policy. Subsection (1)(b) shall take precedence over subsection (1)(d).

(2) Once a deferral has been granted, the various conditions contained within WAC 458-18-010 through 458-18-100 may prohibit the claimant from qualifying for further deferrals, but any obligations

resulting from deferrals previously granted will become due and payable only upon occurrence of the conditions set forth in subsection (1) of this section.

((2)) (3) Upon occurrence of any condition requiring the payment of any deferred special assessments and/or real property taxes, the county treasurer shall proceed to collect the same in the manner provided for in chapter 84.56 RCW. For purposes of collection of the deferred taxes and interest, provisions of chapters 84.56, 84.60, and 84.64 RCW shall be applicable. When these moneys are collected, they shall be credited to a special account in the county treasury and shall then be remitted to the state treasurer within thirty days from collection with remittance advice to the department of revenue. The state treasurer shall deposit the moneys in the state general fund.

((3)) (4) Any person may at any time pay a part or all of the deferred assessments and/or taxes including the interest, but such payment shall not affect the deferred tax status of the property. Any payment made shall be credited to the oldest deferred amount and shall be prorated between interest and the deferred assessments and/or taxes.

WSR 84-17-079
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed August 16, 1984]

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

Amd	WAC 458-16-110	Applications—Who must file, filing requirement, application forms, what covered, filing fee, financial statement, evidence of timely filing.
Amd	WAC 458-16-111	Filing fees, penalties and refunds.
Amd	WAC 458-16-130	Real property sold or acquired by property owner deemed to be exempt.
Amd	WAC 458-16-150	Cessation of use—Taxes collectible.
Amd	WAC 458-16-210	Nonprofit, nonsectarian organizations.
Amd	WAC 458-16-220	Church camps.
Amd	WAC 458-16-230	Character building organizations.
Amd	WAC 458-16-240	Veterans organizations.
Amd	WAC 458-16-260	Day care centers, libraries, orphanages, homes for the aged, homes for sick or infirm, hospitals.
Amd	WAC 458-16-270	Schools and colleges.
Amd	WAC 458-16-280	Art, scientific and historical collections—Fire companies—Humane societies.
Amd	WAC 458-16-282	Musical, dance, artistic, dramatic and literary associations;

that the agency will at 10:00 a.m., Friday, September 28, 1984, in Room 301, Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 5, 1984.

The authority under which these rules are proposed is RCW 84.36.865.

The specific statute these rules are intended to implement is chapter 84.36 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 3, 1984.

Dated: August 16, 1984
By: Trevor W. Thompson
Assistant Director

STATEMENT OF PURPOSE

This statement of purpose, prepared in compliance with RCW 34.04.045, accompanies proposed rules to be promulgated by the Department of Revenue as follows:

Title: Property tax exemption for nonprofit organizations covering applications, filing fees, penalties, property sold or acquired, cessation of use, church camps, character building organizations, veterans organizations, day care centers, libraries, orphanages, homes for the aged, sick or infirm, hospitals, schools and colleges, art, scientific and historical collections, fire companies and humane societies.

Purpose: To clarify procedures for applying for exemption and clarifying criteria for granting the exemption.

Statutory Authority: RCW 84.36.865 directs the Department of Revenue to make such rules and regulations as such shall be necessary to permit effective administration of the property tax exemption laws.

Summary and Reasons for the Rule: Chapter 220, Laws of 1984, removed ambiguous language, clarified and made qualifications more uniform for the different kinds of property tax exemptions. The amendatory language contained herein, will bring the existing rules into compliance with the legislative changes.

Drafter of the Rule, Rule Implementation and Enforcement: Richard Kirpes, Evergreen Plaza Building, Room 301, 711 South Capitol Way, Olympia, Washington 98501, (206) 753-1941.

Proposer of the Rule: Department of Revenue, Olympia, Washington 98504.

Comments and Recommendations: None.

Federal Law or Court Action Citation: No federal laws involved or action required by the courts.

Small Business Impact: None.

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-110 APPLICATIONS—WHO MUST FILE, FILING REQUIREMENT, APPLICATION FORMS, WHAT COVERED, FILING FEE, FINANCIAL STATEMENT, EVIDENCE OF TIMELY FILING. All foreign national governments, cemeteries, nongovernmental nonprofit corporations, organizations, and associations, and soil and water conservation districts seeking exemption from ad valorem property taxation under the provisions of chapter 84.36 RCW shall make application for exemption with the State of Washington Department of Revenue General Administration Building, Olympia, WA 98504.

(1) Initial applications (~~(renewal applications and annual recertification)~~) for exemption shall be filed on or before March 31 (~~(in the assessment year for which exemption is sought with the department of revenue. Applications received after March 31, but prior to December 31)~~) or within sixty days of the date of acquisition or conversion to an exempt use. Renewal applications and annual recertifications shall be filed on or before March 31.

Initial and renewal applications and recertifications received after the due date are subject to late filing penalties. The department of revenue shall allow a reasonable extension of time for filing upon written request filed on or before the required filing date and for good cause shown.

(a) Initial applications: ~~((Am))~~ The original ((claim for property tax exemption by an organization)) application an organization files or an application by such organization for additional property not currently claimed for exemption.—Fee due.

(b) Renewal application: ((Additional property claims by an organization currently exempt and the fourth year renewal)) The claim for

continued exemption filed every fourth year after the latest initial application.—Fee due.

(c) Recertifications: A certification on department of revenue forms, that the use and exempt status of the real and personal property (~~(owned)~~) claimed by the exempt organization has not changed.—No fee due.

All initial and renewal applications and recertifications for exemption shall be filed on forms prescribed by the department of revenue and shall be signed by an authorized agent. On or before January 1 of each (~~(assessment)~~) year the department shall mail the (~~(approved)~~) forms to each legal owner that was granted an exemption for the previous (~~(assessment)~~) year. Applications shall be available from (~~(any)~~) the department of revenue (~~(office)~~) or from (~~(any)~~) the county assessor's office. No property shall be granted an exempt status without the owner first filing for exemption, for the specific property for which exemption is sought(~~(—and)~~). The filing shall be due regardless of whether (~~(or not)~~) the legal owner has received forms for exemption from the department.

To retain exempt status, applicants except nonprofit cemeteries must file a renewal application on or before March 31 of (~~(the)~~) every fourth year following the date of the initial application (~~(and on or before March 31 of every fourth year thereafter)~~). When an applicant previously granted exemption acquires or otherwise converts real property to exempt status, such applicant shall file (~~(a renewal)~~) an initial application within sixty days following the conversion of such real property to exempt status without penalty. Failure to file (~~(a renewal)~~) an initial application within sixty days of conversion of such real property to exempt status shall result in a late filing penalty. See WAC 458-16-111 for computation of penalty.

In the years renewal applications are not due, an applicant previously granted exemption shall annually file a recertification: PROVIDED, That when the annual filing has not been made by March 31, the ten dollars per month filing penalty will apply to the date the application is completed. (~~(When the)~~) Failure to file an annual claim (~~(has not been filed by December 31 the exemption will lapse)~~) will result in a taxable determination for current year taxes.

(2) The property covered by each application for property tax exemption (~~(—or renewal thereof)~~) shall include all the real and personal property which is contiguous, and which is used as a homogeneous unit.

(a) The term "homogeneous unit" means property under the control of a single applicant, the operation and use of which is integrated with and directly related to the activity of the entity seeking exemption.

(b) The term "contiguous" means all property which is geographically one unit without separation except for separations caused by public streets and roads.

Examples:

A church owns a single piece of property upon which is constructed a church, parsonage, and elementary school. All three buildings are owned by the church and constitute a homogeneous unit in that they are integrated with and directly related to the activities of the church. This requires only one application because the property is geographically contiguous and is a homogeneous unit.

O corporation, the supervising entity of a nonprofit recognized religious denomination, holds title to five separate units in a county. The operation of each church unit is integrated with the activity of and supervised by O. To properly apply for an exemption for these five church units O would be required to file a separate application for each church unit as they are geographically separate.

No application shall be acted upon until complete. To be complete (~~(all filing fees and penalties for late filing must be paid, the legal description must be provided, and the use of the property must be identified)~~) an applicant must have on file with the department of revenue copies of their articles of incorporation and all amendments and a copy of their current bylaws. All initial applications must be accompanied by an accurate map identifying by dimension the use or proposed use of all areas including building sites, parking, landscaping, and vacant areas from which an accurate determination for exemption or a segregation for partial exemption can be made. Legal descriptions and county parcel numbers must also be provided. The department of revenue will not act on any application until all fees and penalties have been submitted.

Organizations claiming exemption under RCW 84.36.030 through (~~(84.36.060)~~) 84.36.480 are required to provide financial information to the department of revenue upon request.

Property leased may be claimed by the lessor or lessee, provided the lessee has permission of the lessor to claim exemption. Property

claimed by the lessee must be specifically identified by owner and location of the property. Claims for leased property must be accompanied by a complete copy of the lease agreement.

The department of revenue shall have access to all books and records necessary to determine if the requirements for exemption have been complied with. The department of revenue shall have the authority to request additional information relevant to the claim for exemption as the department deems necessary.

AMENDATORY SECTION (Amending Order PT 81-7, filed 2/11/81)

WAC 458-16-111 FILING FEES, PENALTIES AND REFUNDS. Filing fee:

The filing fee of \$35.00 shall be collected before the department of revenue considers either an initial or renewal application (as defined in WAC 458-16-110) for property tax exemption.

Late penalties:

A late filing penalty of \$10.00 per month or portion of a month shall be collected before the department of revenue will consider any claim for property tax exemption when the completed claim is not filed by the due date. (~~(A claim will not be considered complete until an application identifying all of the property is filed with all fees and penalties that may be due. The due date is March 31 of the assessment year unless the property is purchased or converted to an exempt use in which case the due date shall be sixty days after the conversion/acquisition date.)~~) Late filing penalties are computed from the date the filing should have been made to the date the claim was received. The department will allow a two-week period in writing when notifying applicants of late filing penalties needed. Applicants not completing the application in the period allowed, must be assessed late filing penalties to the date all fees are received. Applications for current and previous years' taxes may be accepted if the applicant provides proof the property was used for exempt purposes and the initial filing fees and late filing penalties are submitted for the period the application for exemption should have been filed in the assessment year previous to the year the taxes were due, to the date the application is completed.

Refunds:

Fees and penalties will be refunded if:

(1) A duplicate claim for the same property is filed by the same legal owner for the same assessment year.

(2) A claim is improperly received by the department of revenue and it has no authority to consider it. (Example: Claim filed by government entity.)

(3) A request is received in writing prior to the department issuing a determination. The request shall include a signed statement clearly withdrawing the claim for exemption. The person requesting the withdrawal must be the same person who signed the application or another person authorized by the legal owner.

The department of revenue has no authority to refund fees or penalties after a determination is issued.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-130 REAL PROPERTY SOLD OR ACQUIRED BY PROPERTY OWNER DEEMED TO BE EXEMPT. As required by RCW 84.36.855, real property which is transferred or converted by an exempt body to taxable ownership or use or which is no longer exempt for any reason shall be subject to a prorata portion of taxes allocable to that property for the remaining portion of that year, after the date of the execution of the instrument of sale, contract or exchange, or the conversion to a taxable use or the date the property is no longer exempt as provided in RCW 84.40.350 through 84.40.390. Real property exempted pursuant to RCW 84.36.030, 84.36.037, 84.36.040, 84.36.050 and 84.36.060 is also subject to the provisions of RCW 84.36.810.

When any property owner determined to be, or could be, exempt under chapter 84.36 RCW acquires ownership of real property which was in other ownership as of January 1 or converts real property from a taxable to an exempt use must apply for and provide proof that under the specific RCW section and appropriate WAC, the property is entitled to exemption or continued exemption from time of transfer or conversion. (~~(Organizations seeking exemption under the provisions of this rule shall, within 60 days of conversion to an exempt use, make application to the department of revenue, or shall make a request for an extension of time, in writing, prior to the expiration of the 60 day~~

period. If the extension is requested for good cause, therein the department may grant an extension.

If filed after the expiration of the 60 day period a late filing penalty shall be imposed pursuant to WAC 458-16-111 and RCW 84.36.825.)

When organizations acquire or convert real property to an exempt use, the property will upon approval of the application for exemption, be entitled to a cancellation or refund of the taxes or the prorata portion of taxes payable for the remaining portion of the year from the date of acquisition or conversion plus exemption for the following year. If the taxes have been paid or if the timing of granting the exemption requires it, the department of revenue will reconvene the June session of the county board of equalization, under the provisions of RCW 84.56.400, in order to cancel the taxes and/or to institute a refund as provided in chapter 84.69 RCW.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-150 CESSATION OF USE—TAXES COLLECTIBLE. Upon cessation of any use exempted under RCW 84.36.030, 84.36.037, 84.36.040, 84.36.050 and 84.36.060, the taxes that would have been paid had the property not been exempt during the three years preceding, or for the life of the exemption, if such be less than three years, shall be collectible.

If the property has been exempt for more than ten years the rollback will not be implemented.

The property owner, county assessor, or any other public official having information or knowledge of any change in use, including lease or rental of all or a part of such properties, which may constitute cessation of use, shall notify the department of any such changes in use which may be brought to their attention. The department shall notify the current property owner, and the legal owner previously granted exemption, of the reported change in use and shall examine the property to determine if the reported change has taken place. The property owner shall have 30 days from the time of notification by the department to submit any information which may be relevant to the question of changing use.

The department shall determine, upon the information supplied by the assessor or the public official, the property owner, or from the inspection of the property, whether such a cessation of use as warrants the rollback has occurred.

The county treasurer, upon notification from the department of revenue, shall compute the taxes payable, together with interest, at the same rate and computed in the same manner as that upon delinquent property taxes. The tax shall be distributed by the county treasurer in the same manner as ~~((the current years))~~ taxes ~~((are))~~ were distributed for those years that taxes would have been paid if the property had not been exempt. The interest shall be placed in the county current expense fund. If such a cessation of use involves a portion of the total property, the taxes collectible shall attach to only that portion affected. The rollback will be implemented only upon transfer of the property or when 51% or more of the property has ceased to qualify for exemption. The percentage of nonqualifying use will be determined separately for the land and improvements.

If the cessation of use resulted solely from one of the six conditions identified as (3)(a) through (f) in RCW 84.36.810, the provisions of this section shall not apply.

Lease or rental of all or part of such properties may constitute a cessation of use and knowledgeable authorities should report same to the department of revenue.

"Relocation of the activity" means the use of another location or site for the same activity that was carried on at the original site to the extent that it is a new location or site, or it is an existing site whose facilities have expanded to accommodate the relocated activity.

Property exempted for an intended use, but never put to such use will be subject to a rollback for the life of the exemption when sold or put to a disqualifying use, or when it is determined the intended use will not be achieved.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-210 NONPROFIT, NONSECTARIAN ORGANIZATIONS. (1) The real and personal property owned by nonsectarian organizations is exempt from taxation, provided that: ~~((+))~~ (a) The organization is nonprofit and is organized and conducted primarily for nonsectarian purposes, ~~((+))~~ (b) the property is ~~((solely))~~

used ~~((, or to the extent used,))~~ for character-building, benevolent, protective or rehabilitative social services directed at persons of all ages, and ~~((+))~~ (c) if these organizations were not conducting these activities the government would provide this service.

These are the primary uses and the word "fraternal" is not among them, therefore, organizations whose main function is fraternal would not qualify under this section.

This exemption extends to property of nonprofit, nonsectarian organizations which are used for benevolent, protective or rehabilitative social services and those which are actually related to those purposes. If any portion of the property of the organization is used for commercial rather than nonsectarian purposes, that portion must be segregated and taxed. Thrift store operations, restricted to the sale of "donated merchandise" will not jeopardize the exemption if the claimant can verify the proceeds are directed to an exempt purpose.

Organizations claiming exemption on property used to provide short-term emergency shelter to homeless persons will upon request provide complete financial information regarding the claimed property, and will also provide the policy used in screening clients, the maximum term of stay, the fee schedule and the number of persons housed.

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented, and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

AMENDATORY SECTION (Amending Order PT 77-2, filed 5/23/77)

WAC 458-16-220 CHURCH CAMPS. The property owned by a nonprofit church or an organization or association comprised solely of churches or their qualified representatives which is used exclusively or jointly used for organized and supervised recreational activities and church purposes as related to such camp facilities are exempt from ad valorem taxation up to a maximum of 200 acres as selected by the church, including buildings and other improvements thereon.

~~((The rental or lease of such property shall not nullify this exemption, provided:~~

~~((1) The rental is to another nonprofit church or a nonsectarian organization or association, nonprofit school or college exempt under chapter 84.36 RCW for use by the lessee for organized and supervised recreational activities and church purposes as related to such camp facilities;~~

~~((2) And the rental income is devoted solely to the operation and maintenance of the property.))~~ (1) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(2) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(3) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

It shall be the burden of the organization owning the property to insure that the lessee abides by the terms of the statute under which the exemption is obtained and provide evidence of compliance upon request.

AMENDATORY SECTION (Amending Order PT 77-2, filed 5/23/77)

WAC 458-16-230 CHARACTER BUILDING ORGANIZATIONS. (1) Property, including buildings and improvements required for the maintenance and safeguarding of such property, which is owned by organizations and associations engaged in character building of boys and girls under eighteen years of age, is exempt from taxation to the extent that it is solely used, or to the extent used, for such purposes and uses: PROVIDED, That ((+)) (a) the group is nonprofit, and ((2)) (b) the purposes of the group are for the general good and its properties are devoted to the general public benefit. Only that property solely used is exempt, and property used for other purposes, whether commercial or otherwise, must be segregated and taxed.

If the existing charters of such organizations or associations provide for services to boys and girls up to the age of twenty-one years, then such organizations or associations shall be deemed qualified under this rule.

~~((The rental of property otherwise exempt under this rule to another nonprofit organization or association exempt under this rule, a nonprofit church organization, a nonsectarian organization or association, a school or college exempt under the provisions of RCW 84.36.050, or to a public school, for the purposes set forth in this rule, shall not nullify the exemption provided for in this rule so long as the rental income is devoted solely to the operation and maintenance of the property.))~~

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

AMENDATORY SECTION (Amending Order PT 77-2, filed 5/23/77)

WAC 458-16-240 VETERANS ORGANIZATIONS. (1) Property of veterans organizations, which are recognized by the department of defense and nationally chartered, are exempt from taxation. To qualify, these organizations shall have as their general purpose and objectives; ((+)) (a) the preservation of war memories and associations, and ((2)) (b) consecration of their efforts toward mutual helpfulness and patriotic or community services. ~~((The exemption is not lost if the property is devoted partially to commercial use so long as the profit derived is not retained by any members of the general organization, but is used exclusively in reasonable furtherance of the patriotic and community services of the organization. (AGO 9-3-1943; TCR 5-22-1939) However, where property owned by a veteran organization is primarily used for commercial purposes, the exemption for that portion of the property used primarily for commercial purposes is lost, whether or not the profits derived are used in furtherance of the purpose of the organization. (TCR 2-11-1941, TCR 1-14-1947))~~

(2) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(3) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(4) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-260 DAY CARE CENTERS, LIBRARIES, ORPHANAGES, HOMES FOR THE AGED, HOMES FOR SICK OR INFIRM, HOSPITALS. Buildings, grounds, and other real and personal property to the extent used by the following institutions are exempt from taxation:

(1) Day care centers, as defined by RCW 74.15.020;

(2) Preschools;

(3) Free public libraries;

(4) Orphanages and orphan asylums;

(5) Homes for the aged;

(6) Homes for the sick or infirm;

(7) Hospitals for the sick including any portion of the hospital building or other buildings used as a nurse's home or residence for hospital employees, or operated as a portion of the hospital unit.

~~((To qualify under this rule, the organization must be nonprofit. Nonprofit means no part of the organization's income may be paid directly, or indirectly to its members, stockholders, officers, directors, or trustees except:~~

~~(a) In the form of services rendered by the organization, association, or corporation in accordance with its purposes and by laws;~~

~~(b) The salary or compensation paid to officers of such organization, association, or corporation is for actual services rendered and compares to the salary or compensation of like positions within the public services of the state.))~~

Any portion of property owned by an organization which is used in a manner not furthering the purposes of the institution, (for example, hospital property used by a physician for private practice) must be segregated and taxed. (AGO 7-3-1935)

Property owned by an organization exempt under this rule which is irrevocably dedicated to the purposes of the organization is included in this exemption: PROVIDED, That the organization can evidence irrevocable intent to put the property to a qualifying use. The forms of proof set forth in WAC 458-16-200 may be utilized for this purpose. To be exempted, the property must be in use or under construction which is designed for use.

The superintendent or manager of the organization claiming exemption under this statute shall allow the department of revenue access to the books and records of the organization and shall make, under oath, a report to the department showing that the income and receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it, or for its capital expenses and to no other purposes, also including a statement of the receipts and the disbursements of said organization.

~~((Real property owned by any organization, corporation, or association exempted under the provisions of RCW 84.36.040 which is leased or rented to another individual or organization shall be segregated and taxed:))~~ An exemption may be granted to the real or personal property leased or rented by any organization, corporation, or association exempted under the provisions of RCW 84.36.040 and used exclusively by it: PROVIDED, That the benefit of the exemption inures to the user. Such property must be specifically identified as leased in filing for exemption.

For the purposes of this rule a "hospital" is an organization primarily engaged in providing medical, surgical, nursing and/or related health care services in the prevention, diagnosis or treatment of human disease, pain, injury, disability, deformity or physical condition, or mental illness or retardation, and the equipment and facilities used by such organization to deliver such services on an inpatient basis. This definition shall include any portion of a hospital building, or other buildings used in connection therewith, and the equipment therein, operated as a portion of the hospital unit, or used as a residence for persons engaged or employed in the operation of a hospital.

(8) The loan or rental of this property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(9) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(10) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

AMENDATORY SECTION (Amending Order PT 83-5, filed 9/14/83)

WAC 458-16-270 SCHOOLS AND COLLEGES. The property owned or used by any nonprofit school or college within this state shall be exempt to the extent that:

~~(1) The property is used ((society)) for educational purposes, or ((the revenue derived therefrom, be devoted exclusively to the support and maintenance of such institutions, provided such revenue is derived from an incidental, not commercial, use. An example of which would be the occasional lease of the gymnasium, field house, or auditorium:)) cultural or art educational programs as defined in RCW 82.04.4328.~~

(2) The real property so exempt shall not exceed four hundred acres in extent and except as provided in RCW 84.36.805 and subsection (4) of this section shall be used exclusively for college or campus purposes. College or campus purposes shall be construed to mean that the need

for such property would be nonexistent, but for the presence of such school or college and ~~((which are))~~ the property is principally designed to further the educational functions of such college or schools.

(3) Institutions claiming exemption for property which is not a portion of the main campus must provide in detail when requested by the department of revenue:

(a) The courses taught on site;

(b) A calendar of uses; and

(c) The number of students participating on site.

~~((Property unmaintained and only seldom used must be segregated and taxed;~~

~~((3))~~ (4) The institution must be open to all persons on equal terms. However, there is no limitation on the types of courses which the institution may offer. Wilson's Modern Business College v. King County, 4 Wn.2d 636 (1940); AGO 1927-1927, p.854.

(5) For purposes of this exemption, "schools and colleges" will mean (a) those nonprofit educational institutions which are either accredited by the state or whose students and credentials are accepted without examination by schools and colleges established under Title 28A or 28B RCW and which offer to students an educational program of a general academic nature, or (b) those nonprofit institutions ~~((which are privately endowed under a deed of trust to offer instruction in trade, industry and agriculture. Specialty or trade schools not offering a general academic program, and not endowed under a deed of trust are not included in this exemption. (WAC 458-20-114))~~ meeting the following criteria:

(i) It must have a definable curriculum for a specific group with definable and measurable outcomes;

(ii) It must have a qualified and/or certified faculty;

(iii) It must have facilities and equipment that are designed for the primary purpose of the educational program;

(iv) It must have an attendance specification;

(v) It must have a schedule or course of study supporting the instructional curriculum;

(vi) It must have accreditation or recognition by a professional association.

~~((Real))~~ (6) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983. Property of ~~((institutions exempted under this rule which is))~~ nonprofit schools owned, controlled, rented or leased for the purpose of deriving revenue from it, shall not be exempt and must be segregated and taxed whether or not such revenue is devoted to educational purposes. AGO 5-10-1944; Wilson's Modern Business College v. King County, 4 Wn.2d 636 (1940).

(7) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

(a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.

(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.

(c) The program is compatible and consistent with the purposes of the exempt organization.

(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(8) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

(9) Institutions claiming exemption within this rule shall allow the department of revenue access to all books and records of the institution and shall annually make, under oath, a report to the department showing that the income and receipts thereof, including donations to it, have been applied to the actual expenses of operating and maintaining it or for capital expenses for endowments, the income of which shall be used for the operation, maintenance or capital expenditures and to no other purpose, also including a statement of the receipts and disbursements of said organization. In addition, institutions claiming exemption

under this rule shall submit a list of all property claimed to be exempt, the purpose for which it is used, the revenue derived from it during the preceding year, the use to which the revenue was applied, the number of students in attendance at the institution, the total revenues of the institution and the source from which they were derived, and the purposes to which such revenues were applied, giving the items of such revenues and expenditures in detail.

AMENDATORY SECTION (Amending Order PT 81-13, filed 10/8/81)

WAC 458-16-280 ART, SCIENTIFIC AND HISTORICAL COLLECTIONS—FIRE COMPANIES—HUMANE SOCIETIES. (1) All art, scientific, or historical collections, together with all real and personal property used exclusively for the safekeeping, maintaining or exhibiting of such, which are maintained or exhibited for the general public and not for profit, shall be exempt from taxation under the following conditions:

- (a) Such organization must be organized and operated exclusively for artistic, scientific, historical, literary or educational purposes, and
 (b) Receive a substantial part of its income (exclusive of income received in the exercise or performance by such organization of its purpose or function) from the United States, any state or political subdivision thereof, or from direct or indirect contributions from the general public.
 (2) Fire engines and other implements used to put out fires, and the buildings or fire stations to the extent that they are exclusively used for the safekeeping of such equipment, and to hold fire company meetings, shall be exempt, provided that such properties are owned by either a city, town or nonprofit fire company.

(3) Property within the state which is owned and actually used by humane societies shall be exempt. ~~((BTA 11213))~~

(4) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(5) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

- (a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.
(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.
(c) The program is compatible and consistent with the purposes of the exempt organization.
(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(6) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

AMENDATORY SECTION (Amending Order PT 81-14, filed 10/8/81)

WAC 458-16-282 MUSICAL, DANCE, ARTISTIC, DRAMATIC AND LITERARY ASSOCIATIONS. The real and personal property owned by or leased to nonprofit organizations whose purpose is to produce and/or perform musical, dance, artistic, dramatic or literary works, for the benefit of the general public and not for profit, shall be exempt from taxation in accordance with the following rules:

- (1) Must be organized and operated exclusively for the purpose of the exemption.
 (2) Must receive a substantial portion of its support, exclusive of moneys received from admissions to its performances, from governmental entities or from direct or indirect contributions of money, real or personal property and/or services from the general public. Organizations relying on services donated by the general public to meet the substantial portion of its support, must maintain records identifying

the individuals and the number of hours donated. Donated time will be valued under the federal minimum wage standards.

(3) Applications for leased property must include a copy of the lease agreement.

(4) The property meets all the conditions of RCW 84.36.800 through 84.36.865.

(5) The loan or rental of the property does not subject the property to tax if (a) the rents and donations received for the use of the portion of the property are reasonable and do not exceed the maintenance and operation expenses attributable to the portion of the property loaned or rented; and (b) the property would be exempt from tax if owned by the organization to which it is loaned or rented. (RCW 84.36.805) Maintenance and operating expenses means those items of rental expense as allowed and defined in the federal Internal Revenue Code as amended prior to January 1, 1983.

(6) Programs provided under a personal service contract will not jeopardize the exemption if the following conditions are met:

- (a) The contract is written to clearly reflect all receipts and expenses are to be administered by the exempt organization.
(b) The financial records of the exempt organization will identify all receipts and expenses of the programs.
(c) The program is compatible and consistent with the purposes of the exempt organization.
(d) A summary of all receipts and expenses of the program will be provided to the department upon request.

Programs provided under a personal service contract, whereby the contractor will reimburse the organization for expenses pertaining to the program will be viewed as a rental agreement between the exempt organization and an individual or for profit user and will subject that portion of property to tax.

(7) The use of the property for fund-raising activities does not subject the property to tax if the fund-raising activities are consistent with the purposes for which exemption is granted.

WSR 84-17-080
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 426—Filed August 16, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the southwest area.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to continued dry weather and the forecasted weather conditions in shutdown zones 660 and 621 east, in the southwest area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 16, 1984.

By Brian J. Boyle
Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 424, filed 8/13/84)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTHWEST AREA. Department of Natural Resources Shutdown Zones affected by this restriction are zones 660, in parts of Skamania and eastern Lewis, Clark, and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Southwest Area.

Effective midnight ((Monday)) Thursday, August ((+3)) 16, 1984 through midnight ((Thursday)) Monday, August ((+6)) 20, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day of the shutdown period.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in Shutdown Zones 660 and 621 East, located in the Southwest Area, during the period of ((Monday)) Thursday, August ((+3)) 16, 1984 through midnight ((Thursday)) Monday, August ((+6)) 20, 1984.

WSR 84-17-081
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 84-112—Filed August 16, 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 net restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for Canadian and Puget Sound chinook during sockeye fisheries under the direction of IPSFC. Openings in Areas 7B and 7C provide opportunity to harvest non-Indian chinook allocations. Openings in Areas 8A, 12 and 12B provide opportunity to harvest full non-Indian chinook allocation that would otherwise not be taken by traditional means. All other areas are closed to prevent overharvest.

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

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

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

APPROVED AND ADOPTED August 16, 1984.

By Frank Haw
for William R. Wilkerson
Director

NEW SECTION

WAC 220-47-908 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately until further notice, it is unlawful to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Area 4B – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

Areas 5 and 6C – Under control of International Pacific Salmon Fisheries Commission. Drift gill net gear restricted to 5-7/8-inch maximum mesh when open.

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

*Areas 7B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly August 16 through the morning of August 17, and from 6:00 PM to 9:00 AM nightly August 19 through the morning of August 24.

*Area 7C – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM nightly, August 16 through the morning of August 17. Fishery exclusion zones applicable to Areas 7B and 7C commercial fisheries are described in WAC 220-47-307.

*Areas 8A, 12, and 12B – Closed except gill nets using 7-inch minimum mesh may fish from 6:00 PM to 9:00 AM August 20 through the morning of August 23, and purse seines using the 5-inch strip may fish from 5:00 AM to 9:00 PM August 21, 22, and 23. Fishery exclusion zones applicable to Areas 8A and 12B commercial fisheries are described in WAC 220-47-307.

Areas 6B, 6D, 7D, 8, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-47-907 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-107)

WSR 84-17-082

**NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
[Memorandum—August 17, 1984]**

The State Board of Education schedule of regular meeting dates and locations for the 1984 calendar year, filed with the state code reviser on October 17, 1983, (WSR 83-21-062) and amended on December 16, 1983, (WSR 84-01-053) and April 2, 1984, (WSR 84-08-046), is amended as follows:

The date of the September 27-28, 1984, regular meeting has been changed to September 26-27-28, 1984: Study sessions for board members will be held Wednesday evening, September 26, 1984, beginning at 7:30 p.m. at the Hazel Dell Shilo Inn in Vancouver. No public testimony or comment will be taken. The business meeting of the board will convene at 9:00 a.m., Thursday, September 27, 1984, in the Conference Room of Educational Service District 112, 1313 N.E. 134th Street, Vancouver, Washington.

The date of the November 29-30, 1984, regular meeting has been changed to November 28-29-30, 1984. The location has been changed from the Seattle Sheraton to the Seattle Hilton, Sixth and University, Seattle, Washington. Study sessions for board members will be held Wednesday evening, November 28, 1984, beginning at 7:30 p.m. at the Seattle Hilton. No public testimony or comment will be taken. The business meeting of the board will convene at 9:00 a.m., Thursday, November 29, 1984, in the Pacific Ballroom of the Seattle Hilton.

WSR 84-17-083

**PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 17, 1984]**

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

- | | | |
|-----|----------------|---|
| New | WAC 180-27-053 | State assistance in providing school plant facilities—State moneys for studies and surveys. |
| New | WAC 180-27-054 | State assistance in providing school plant facilities—Priorities—Effective July 1, 1985. |

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 27, 1984.

The authority under which these rules are proposed is RCW 28A.21.031.

This notice is connected to and continues the matter in Notice Nos. WSR 84-08-048 and 84-11-048 filed with the code reviser's office on April 2, 1984, and May 17, 1984.

Dated: August 17, 1984

By: Monica Schmidt
Secretary

NEW SECTION

WAC 180-27-053 STATE MONEYS FOR STUDIES AND SURVEYS. State moneys for school district studies and surveys conducted pursuant to chapter 180-25 WAC shall be available even though the superintendent of public instruction deems it necessary to institute priorities pursuant to WAC 180-27-054 or 180-27-055 or to withhold approval pursuant to WAC 180-27-107. At the beginning of each biennium, the superintendent of public instruction shall estimate the amount of moneys necessary for allocation to districts for studies and surveys and not make such moneys available for any other purpose. In the event the estimated amount proves to be insufficient, the superintendent shall set aside additional moneys.

NEW SECTION

WAC 180-27-054 STATE ASSISTANCE—PRIORITIES—EFFECTIVE JULY 1, 1985. Effective July 1, 1985, WAC 180-27-055 is repealed and school district projects shall receive state assistance as follows:

(1) Unless the superintendent of public instruction determines the need to institute priorities pursuant to subsection (2) of this section, the superintendent of public instruction shall approve all applications for state assistance pursuant to WAC 180-29-107. Once approved, the project shall have secured funding status and not be subject to any priority list.

(2) In the event the superintendent of public instruction determines there are or will be insufficient funds during a biennium to provide state assistance to all anticipated school facility projects, the superintendent of public instruction shall approve projects pursuant to WAC 180-29-107 in accordance with the following priority:

(a) Priority one: New construction and/or modernization projects in districts with unhoused students. Projects within this priority shall be ranked as follows: The project with the highest percentage of unhoused students in the district to current enrollment in the district by grade level on the date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more districts possess an equal percentage of unhoused students, the district with the greatest number of unhoused students shall be ranked the highest.

(b) Priority two: New construction and/or modernization projects related to racial imbalance pursuant to WAC 180-27-115(8) in districts with no unhoused students. Projects within this priority shall be ranked as follows: The project with the greatest number of students affected shall be ranked highest. In the event two or more projects possess an equal number of students affected, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040.

(c) Priority three: Vocational-technical institutes and interdistrict cooperative facilities, excluding interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(d) Priority four: New construction and/or modernization projects related to improved school district organization between two or more school districts pursuant to WAC 180-27-115(7) in districts with no unhoused students. Projects within this priority shall be ranked as follows: The project with the greatest number of students affected shall be ranked highest. In the event two or more projects possess an equal number of students affected, the highest ranking shall be given to the district with the earliest date of project approval pursuant to WAC 180-25-040.

(e) Priority five: Modernization projects in districts with no unhoused students and not covered by priorities two and four. Projects

within this priority shall be ranked as follows: The project with the greatest percentage of projected enrollment to current housing capacity shall be ranked the highest. In the event two or more projects possess an equal percentage, the highest ranking shall be given to the project with the earliest date of project approval pursuant to WAC 180-25-040.

(f) Priority six: Interdistrict transportation cooperatives. Projects within this priority shall be ranked as follows: The project with the earliest date of project approval pursuant to WAC 180-25-040 shall be ranked the highest. In the event two or more projects possess the same project approval date, the project with the earliest date of application received in the office of superintendent of public instruction shall be ranked the highest.

(3) Once projects are ranked in accordance with the priority list established in subsection (2) of this section, the superintendent may approve from time to time as many projects as he deems advisable as long as the projects are approved in accordance with the ranking. Projects so approved shall receive secured funding status and not be subject to the priority list.

(4) In the event the superintendent of public instruction determines there are once again sufficient funds during a biennium to provide state assistance to all anticipated school facility projects pursuant to WAC 180-29-107, the priority list shall be discontinued.

WSR 84-17-084
PROPOSED RULES
STATE BOARD OF EDUCATION

[Filed August 17, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning educational service districts, chapter 180-22 WAC;

that the agency will at 9:00 a.m., Thursday, September 27, 1984, in the ESD 112 Conference Room, 1313 N.E. 134th Street, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1984.

The authority under which these rules are proposed is RCW 28A.21.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

Dated: August 17, 1984

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-22 WAC, Educational service districts.

Rule Section(s): WAC 180-22-100 Authority; 180-22-105 Purpose; 180-22-140 Territorial organization of educational service districts; 180-22-150 Educational service districts—Criteria for organization; and 180-22-200 Educational service districts—Qualifications of superintendents.

Statutory Authority: RCW 28A.21.020.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: WAC 180-22-100, sets forth the authority for this chapter; 180-22-105, sets forth the purpose for this

chapter; 180-22-140, sets forth the purpose of the state-wide territorial organization; 180-22-150, moves the purpose into another section and changes wording from intermediate district to educational service district; and 180-22-200, repeals section.

Reasons Which Support the Proposed Action(s): Procedures for the election of ESD board members has been moved to new chapter 180-23 WAC. The qualification of ESD superintendent has been codified in RCW 28A.21.071(4).

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Monica Schmidt, SBE, 3-6715; and Implementation: Angie Dorian, SBE, 3-6715.

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 Matter Pertaining to the Rule(s): The adoption of new chapter 180-23 WAC anticipates the above repealers. Changes in this chapter are not substantive.

Chapter 180-22 WAC
EDUCATIONAL SERVICE DISTRICTS

NEW SECTION

WAC 180-22-100 AUTHORITY. The authority for this chapter is RCW 28A.21.020 which authorizes the state board of education to make changes in the number and boundaries of educational service districts.

NEW SECTION

WAC 180-22-105 PURPOSE. The purpose of this chapter is to establish policies and procedures for changes in the number and boundaries of educational service districts.

NEW SECTION

WAC 180-22-140 TERRITORIAL ORGANIZATION OF EDUCATIONAL SERVICE DISTRICTS. It shall be the purpose of the state-wide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the children of the state will be provided more equal educational opportunity.

AMENDATORY SECTION (Amending Order 4-77, filed 6/2/77)

WAC 180-22-150 EDUCATIONAL SERVICE DISTRICTS—~~((PURPOSE=))~~CRITERIA FOR ORGANIZATION. ~~((It shall be the purpose of the state-wide territorial organization of educational service districts to more readily and efficiently adapt to the changing economic pattern and educational program in the state so that the children of the state will be provided with more equal educational opportunities.))~~

The establishment of educational service districts shall be in accordance with the criteria hereinafter set forth. In making a determination of the boundaries of an educational service district, reasonable weight shall be given to each criterion individually and to all criteria collectively. Failure to meet any single criterion shall not necessarily prohibit the establishment of an ~~((intermediate))~~ educational service district if in the judgment of the state board of education the establishment of the ~~((intermediate))~~ educational service district is warranted by a collective consideration of all the criteria.

(1) Program and staff. An educational service district shall have the ability to support an administrative unit of sufficient staff to provide a program of educational services including but not limited to leadership and consultant services in administration and finance, in-service education programs for teachers and administrators, special services for

the handicapped and educationally talented, planning of school facilities, counseling and guidance, instructional materials, and development of projects and proposals under various federal acts.

(2) Size. An educational service district should have no more than a maximum area of 7,500 square miles, nor should an intermediate district have less than a minimum area of 1,700 square miles.

(3) School enrollment. An educational service district shall have a potential of 15,000 students within the clearly foreseeable future.

(4) Topography and climate. In establishing the boundaries of an educational service district, consideration shall be given to topography and climate as these factors may affect the educational services to be provided and the economic efficiency of the program.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-22-200 EDUCATIONAL SERVICE DISTRICTS—QUALIFICATIONS OF SUPERINTENDENTS.

**WSR 84-17-085
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 17, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning Educational service districts—Election of board members, chapter 180-23 WAC;

that the agency will at 9:00 a.m., Thursday, September 27, 1984, in the ESD 112 Conference Room, 1313 N.E. 134th Street, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1984.

The authority under which these rules are proposed is RCW 28A.21.031.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

Dated: August 17, 1984
By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-23 WAC, Educational service districts—Election of board members.

Rule Section(s): WAC 180-23-070 Declaration and affidavit of candidacy form; and 180-23-075 Biographical data form.

Statutory Authority: RCW 28A.21.031.

Purpose of the Rule(s): To set our rules and guidelines for the election of board members for the educational service districts.

Summary of the New Rule(s) and/or Amendments: WAC 180-23-070 specifies declaration and affidavit of candidacy form.

Reasons Which Support the Proposed Action(s): The primary purpose for revision of the above rules is to correct an error made in filing with the state code reviser.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Monica Schmidt, SBE, 3-6715; and Implementation: Angie Dorian, SBE, 3-6715.

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 Matter Pertaining to the Rule(s): [No information supplied by agency.]

AMENDATORY SECTION (Amending Order 4-84, filed 5/17/84)

WAC 180-23-070 DECLARATION AND AFFIDAVIT OF CANDIDACY FORM. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I,, solemnly swear (or affirm): That I reside within the boundary of Educational Service District No., within the boundary of board-member district No., and am a registered voter of the same board-member district; That I am aware that, if elected, I cannot concurrently serve as a member of an educational service district board, ((or)) and as an employee of a school district or a member of a board of directors of a common school district or a member of the state board of education; and That I hereby declare myself a candidate for membership on Educational Service District No. Board of Directors for a term of four years beginning the second Monday in January, 19. . . ., subject to the election to be held pursuant to law and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the United States and the Constitution and laws of the state of Washington.

(Signed)

Address:

SUBSCRIBED and sworn (or affirmed) to before me this day of, 19

NOTARY PUBLIC in and for the state of Washington, residing at

**WSR 84-17-086
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 17, 1984]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning State assistance in providing school plant facilities—Procedural regulations, chapter 180-29 WAC;

that the agency will at 9:00 a.m., Thursday, September 27, 1984, in the ESD 112 Conference Room, 1313 N.E. 134th Street, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1984.

The authority under which these rules are proposed is RCW 28A.47.802.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

Dated: August 17, 1984

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-29 WAC, State assistance in providing school plant facilities—Procedural regulations.

Rule Section(s): WAC 180-29-090 Construction documents—Other governmental agency approval; and 180-29-095 Construction documents—Compliance with public works statutory provisions.

Statutory Authority: RCW 28A.47.802.

Purpose of the Rule(s): To establish state policies and procedures for the distribution of state capital funds to school districts.

Summary of the New Rule(s) and/or Amendments: WAC 180-29-090 corrects code reference; and 180-29-095 removes reference to affirmative action by contractors.

Reasons Which Support the Proposed Action(s): To correct code reference and delete reference to affirmative action.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Robert F. Minniti, SPI, 3-6702.

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 Matter Pertaining to the Rule(s): The provision of chapter 28A.85 RCW is applicable to school districts and not to contractors who serve school districts.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-090 CONSTRUCTION DOCUMENTS—OTHER GOVERNMENTAL AGENCY APPROVAL. (1) The construction documents shall be submitted for the approval of the following other governmental agencies:

- (a) Fire marshal or fire chief having jurisdiction;
- (b) Department of labor and industries (electrical);
- (c) Health agency having jurisdiction;
- (d) Department of ecology (when applicable); and
- (e) Building official of the jurisdiction.

Approval shall be in respect to compliance with pertinent rules and regulations established by said agencies.

(2) The school district shall receive written approvals of the construction documents by the agencies and submit proof of such approvals to the superintendent of public instruction in accordance with WAC (~~(180-29-080)~~) 180-29-085.

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-095 CONSTRUCTION DOCUMENTS—COMPLIANCE WITH PUBLIC WORKS STATUTORY PROVISIONS. The construction documents shall provide for compliance by the contractor with pertinent statutory provisions relating to public works including the following:

- (1) Chapter (~~(18-08)~~) 39.08 RCW relating to contractor's bond;

(2) (~~Chapter 28A.85 RCW relating to affirmative action;~~
(~~3~~) Chapter 39.12 RCW relating to prevailing wages;
(~~(4)~~) (3) Chapter 39.25 RCW relating to offshore items;
(~~(5)~~) (4) Chapter (~~(39.75)~~) 18.27 RCW relating to contractor registration;
(~~(6)~~) (5) Chapter 49.28 RCW relating to hours of labor;
(~~(7)~~) (6) Chapter 49.60 RCW relating to discrimination; and
(~~(8)~~) (7) Chapter (~~(79.92)~~) 70.92 RCW relating to the provisions for the aged and physically handicapped.

WSR 84-17-087

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 17, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning courses of study and equivalencies, chapter 180-50 WAC;

that the agency will at 9:00 a.m., Thursday, September 27, 1984, in the ESD 112 Conference Room, 1313 N.E. 134th Street, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1984.

The authority under which these rules are proposed is RCW 28A.04.120 (6) and (8).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

Dated: August 17, 1984

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-50 WAC, Courses of study and equivalencies.

Rule Section(s): WAC 180-50-010 Washington state history and government; 180-50-020 United States history and government; 180-50-030 Contemporary world history, geography and problems—High school requirement; 180-50-040 Study of constitutions; 180-50-050 Physical education; 180-50-070 Sex education; 180-50-100 Authority; 180-50-105 Purposes; 180-50-110 Prospective application of amendments to this chapter; 180-50-115 Mandatory areas of study in the common school; 180-50-120 Washington state history and government—Grade school and high school requirement; 180-50-125 United States history—High school requirement; 180-50-130 Social studies course—High school requirement; 180-50-135 Physical education—Grade school and high school requirement; 180-50-140 Sex education—Definition—Optional course or subject matter—Excusal of students; 180-50-300 Equivalency course of study—Credit for learning experiences conducted away from school or by persons not employed by the school district; 180-50-310 Equivalency course of study—Credit for correspondence courses and college courses; 180-50-315 Equivalency course of study—Credit for work experience; and 180-50-320 Equivalency course of study—

National Guard high school career training—Approval procedures.

Statutory Authority: RCW 28A.04.120 (6) and (8).

Purpose of the Rule(s): To set forth in one chapter the course of instruction mandated by statute or State Board of Education, to establish equivalencies for such courses, and to set forth any additional requirements regarding course of study.

Summary of the New Rule(s) and/or Amendments: WAC 180-50-100, this section states the authority for the State Board of Education to prepare an outline of study for the common schools; 180-50-105, this section states the purpose of chapter 180-50 WAC; 180-50-110, this section states that amendments to the chapter shall apply prospectively; 180-50-115, the mandatory areas of study are stated in this section; 180-50-120, this section states the requirement in Washington state history and government; 180-50-125, the United States history requirement is stated in this section; 180-50-130, the contemporary world history, geography and problems requirement is stated in this section; 180-50-135, the section states the physical education requirement; 180-50-140, this section defines sex education, local options, and excusal of students; 180-50-300, this section establishes equivalency credit for learning experiences conducted away from school or by persons not employed by the district; 180-50-310, this section establishes equivalency credit for correspondence courses and college courses; 180-50-315, this section establishes equivalency credit for work experience; and 180-50-320, this section establishes credit for National Guard high school career training.

Reasons Which Support the Proposed Action(s): [No information supplied by agency.]

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Alfred Rasp, SPI, 3-3449.

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 Matter Pertaining to the Rule(s): This chapter has been updated to reflect high school graduation requirements mandated by the 1984 legislature.

Chapter 180-50 WAC COURSES OF STUDY AND EQUIVALENCIES

NEW SECTION

WAC 180-50-100 AUTHORITY. The general authority for this chapter is RCW 28A.04.120(6) which authorizes the state board of education to prepare an outline of study for the common schools and RCW 28A.04.120(8) which authorizes the state board of education to adopt rules and regulations to meet the educational needs of students. Where applicable, specific statutory authority is cited within sections of this chapter.

NEW SECTION

WAC 180-50-105 PURPOSES. The purposes of this chapter are to:

- (1) Implement RCW 28A.04.120 (6) and (8) by prescribing state requirements for a course of study in the common schools;
- (2) Implement courses of study specifically required by statutes;
- (3) Establish procedural and substantive requirements for the granting of credit for equivalent courses of study which may be in conjunction with or as a substitution for courses of study in common schools.

NEW SECTION

WAC 180-50-110 PROSPECTIVE APPLICATION OF AMENDMENTS TO THIS CHAPTER. Pursuant to WAC 180-51-035, high school students shall be entitled to incorporate into their graduation requirements the provisions of this chapter as written and effective for the applicable year. Amendments to this chapter shall apply prospectively to the school year which commences subsequent to the adoption of amendments.

NEW SECTION

WAC 180-50-115 MANDATORY AREAS OF STUDY IN THE COMMON SCHOOL. (1) Pursuant to RCW 28A.05.010 all school districts shall provide instruction in reading, penmanship, spelling, mathematics, geography, English grammar, physiology, hygiene, and history of the United States.

(2) Pursuant to RCW 28A.05.015, unless instruction in a language other than English will aid the educational advancement of the student, all students shall be taught in English.

(3) Pursuant to RCW 28A.05.____, after July 1, 1986, each school district offering a high school program shall provide a course of study which includes the preparation for uniform college and university entrance requirements as published by the council of postsecondary education.

(4) In addition to the requirements in the above subsections, each such school district shall offer all required courses for a high school diploma as provided in chapter 180-51 WAC and shall provide an opportunity for high school students to take at least one course in the following areas of study:

- (a) Art;
- (b) Career education;
- (c) Computer education;
- (d) Consumer education;
- (e) Economics;
- (f) Environmental education;
- (g) Foreign language;
- (h) Health education;
- (i) Home and family life;
- (j) Music;
- (k) Remedial education, including at least, remedial education in reading, language arts, and mathematics.

(5) Districts shall make available to all high school students enrolled therein the areas of study enumerated above either within the district or by alternative means which shall include equivalent education programs set forth in this chapter, interdistrict cooperative programs as permitted by RCW 28A.58.240, and/or the full time or part time release of such students to attend nonresident districts pursuant to chapter 392-137 WAC.

NEW SECTION

WAC 180-50-120 WASHINGTON STATE HISTORY AND GOVERNMENT—GRADE SCHOOL AND HIGH SCHOOL REQUIREMENT. (1) Grades 1-8. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent in Washington state history or government shall be required in the common schools in the grade school (grades 1-8) program.

(2) Grades 9-12. A one semester course—i.e., 90 (50 minute) hours of instruction—or its equivalent shall be required in the common schools in the high school (grades 9-12) program. Such course shall include a study of the Washington state Constitution. Pursuant to RCW 28A.02.080, 28A.05.050, and 28A.05.____ this course also shall be required for high school graduation unless waived pursuant to WAC 180-51-075.

NEW SECTION

WAC 180-50-125 UNITED STATES HISTORY—HIGH SCHOOL REQUIREMENT. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent in United States history shall be required in the common schools in the high school (grades 9-

12) program. Such course shall include a study of the United States Constitution. Pursuant to RCW 28A.02.080, 28A.05.050, and 28A.05.____ this course also shall be required for high school graduation.

NEW SECTION

WAC 180-50-130 SOCIAL STUDIES COURSE—HIGH SCHOOL REQUIREMENT. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent in contemporary world history, geography and problems and/or specific course in economics, sociology, civics, political science, international relations, or related social studies with emphasis on current problems shall be required in the common schools in the high school (grades 9-12). Pursuant to RCW 28A.05.____ this course also shall be required for high school graduation.

NEW SECTION

WAC 180-50-135 PHYSICAL EDUCATION—GRADE SCHOOL AND HIGH SCHOOL REQUIREMENT. (1) Grades 1-8. An average of at least twenty instructional minutes per day per year in physical education shall be required of all pupils in the common schools in the grade school (grades 1-8) program unless waived pursuant to RCW 28A.05.030.

(2) Grades 9-12. A one year course—i.e., 180 (50 minute) hours of instruction—or its equivalent shall be offered in physical education for each grade (grades 9-12) in the high school program. Pursuant to RCW 28A.05.040 and 28A.05.____, six credits in physical education also shall be required for high school graduation unless waived pursuant to RCW 28A.05.040.

NEW SECTION

WAC 180-50-140 SEX EDUCATION—DEFINITION—OPTIONAL COURSE OR SUBJECT MATTER—EXCUSAL OF STUDENTS. (1) Local option. The decision as to whether or not an educational program about sex education or human sexuality is to be introduced into the common schools is a matter for determination at the district level by the local school board, the duly elected representatives of the people of the community.

(2) Definition(s).

(a) Sex education for the purpose of this regulation is defined as the study of the anatomy and the physiology of human reproduction.

(b) Human sexuality for the purpose of this regulation is defined as the characteristics or qualities that distinguish between maleness and femaleness. It includes the physiological, psychological, and sociological processes experienced by an individual.

(3) Development of instruction in sex education and human sexuality. School districts shall involve parents and school district community groups in the planning, development, evaluation, and revision of any instruction in sex education and human sexuality offered as a part of the school program.

(4) Excusal of students—Alternative studies. Any parent or legal guardian who wishes to have his/her child excused from any planned instruction in sex education or human sexuality may do so upon filing a written request with the school district board of directors or its designee and the board of directors shall make available the appropriate forms for such requests. Alternative educational opportunities shall be provided for those excused.

NEW SECTION

WAC 180-50-300 EQUIVALENCY COURSE OF STUDY—CREDIT FOR LEARNING EXPERIENCES CONDUCTED AWAY FROM SCHOOL OR BY PERSONS NOT EMPLOYED BY THE SCHOOL DISTRICT. Credit, including high school graduation credit, may be granted for school planned learning experiences primarily conducted away from the facilities owned, operated, or supervised by the district or conducted primarily by individuals not employed by the district. School planned learning experiences such as, but not limited to, travel study, work study, private lessons and educational programs, sponsored by governmental agencies may be accepted for credit upon compliance with procedures established by the district. Rules which permit the granting of credit for such out-of-school learning activities shall be adopted by the district board of directors and shall be available to students, parents, the public, and representatives of the superintendent of public instruction upon request. Such rules shall include at least the following provisions:

(1) A proposal for approval of credit for such learning experiences shall be submitted prior to the experience and shall include at least the following information:

- (a) Name of program;
- (b) Length of time for which approval is desired;
- (c) Objectives of the program;
- (d) Description of how credits shall be determined;
- (e) Content outline of the program and/or major learning activities and instructional materials to be used;
- (f) Description of how student performance will be assessed;
- (g) Qualifications of instructional personnel; and
- (h) Plans for evaluation of program.

(2) The proposal shall be presented to the personnel designated by the district board of directors for review, revision, and approval or disapproval.

(3) The reasons for approval or disapproval shall be communicated to the students, parents, or guardians.

NEW SECTION

WAC 180-50-310 EQUIVALENCY COURSE OF STUDY—CREDIT FOR CORRESPONDENCE COURSES AND COLLEGE COURSES. Each common school district board of directors shall adopt rules governing the acceptance of correspondence or college courses for credit, including high school graduation credit. Such rules shall limit acceptance to courses from approved schools or institutions and shall be available upon request for review by students, parents, the public, and representatives of the superintendent of public instruction. The following are approved schools:

(1) Schools approved by the National University Extension Association or the National Home Study Council;

(2) Community colleges, vocational-technical institutes, four-year colleges and universities, and approved private schools in Washington state; and

(3) Other schools or institutions which are approved, after evaluation of a particular course offering, by the school district.

NEW SECTION

WAC 180-50-315 EQUIVALENCY COURSE OF STUDY—CREDIT FOR WORK EXPERIENCE. School districts may accept work experience training in lieu of either required or elective high school credits if such experience training meets the following standards:

- (1) The work program shall be supervised by the school;
- (2) The work experience shall be definitely related to the school program of the student;
- (3) Credit given for work experience shall represent growth in the student and the type of work done should have definite educational value;

(4) The job in which experience is gained shall provide varied experiences;

(5) A work experience program shall be supplemented by an adequate program of guidance, placement, follow-up and coordination between job and school;

(6) Work experience as a planned part of a school subject may be included in the credit given for that subject;

(7) One work credit may be granted for not less than one hundred thirty-five hours of work experience related to a student's school program;

(8) A student participating shall be legally employed and must have passed his sixteenth birthday;

(9) An employer's report of the student's work record, indicating satisfactory progress on the job, shall be filed with the school; and

(10) The regular state apprenticeship program, in which the training is worked out cooperatively with the school and meets the standards for high school graduation, is acceptable.

NEW SECTION

WAC 180-50-320 EQUIVALENCY COURSE OF STUDY—NATIONAL GUARD HIGH SCHOOL CAREER TRAINING—APPROVAL PROCEDURES. School districts may accept national guard high school career training in lieu of either required or elective high school credits. Students who are enrolled in such a national guard program with the approval of the school district of last attendance shall be considered enrolled in such district for state equalization apportionment and other appropriate purposes.

Approval by the district shall be obtained prior to a student's participation in a national guard career training program as follows:

(1) MIL Form 115 or an equivalent form now or hereafter provided by the national guard shall be completed and filed with the school district; and

(2) The number of credits toward high school graduation to be granted shall be calculated, agreed upon by the student and an authorized representative of the school district, and such agreement noted on MIL Form 115 or such equivalent form.

Credit toward high school graduation may be granted by the school district upon certification by a national guard training unit commander on the completion component of MIL Form 115 or such equivalent form that the student has met all program requirements.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) 180-50-010 WASHINGTON STATE HISTORY AND GOVERNMENT.
- (2) 180-50-020 UNITED STATES HISTORY AND GOVERNMENT.
- (3) 180-50-030 CONTEMPORARY WORLD HISTORY, GEOGRAPHY AND PROBLEMS—HIGH SCHOOL REQUIREMENT.
- (4) 180-50-040 STUDY OF CONSTITUTIONS.
- (5) 180-50-050 PHYSICAL EDUCATION.
- (6) 180-50-070 SEX EDUCATION.

WSR 84-17-088
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 17, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning secondary education; chapter 180-56 WAC;

that the agency will at 9:00 a.m., Thursday, September 27, 1984, in the ESD 112 Conference Room, 1313 N.E. 134th Street, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1984.

The authority under which these rules are proposed is RCW 28A.04.120(6), 28A.05.010 and section 6, chapter 278, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

Dated: August 17, 1984
 By: Monica Schmidt
 Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-56 WAC, Secondary education.

Rule Section(s): WAC 180-56-003 Application of WAC 180-50-010 through 180-50-070 and 180-56-006 through 180-56-066—High school graduation requirements for students who commenced the ninth grade prior to July 1, 1985.

Statutory Authority: RCW 28A.04.120(6), 28A.05.010 and section 6, chapter 278, Laws of 1984.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: WAC 180-56-003, this section establishes high school graduation requirements for students who commenced the ninth grade prior to July 1, 1985; and repealing WAC 180-56-006 through 180-56-066.

Reasons Which Support the Proposed Action(s): General revision of high school graduation requirements.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Alfred Rasp, SPI, 3-3449.

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 Matter Pertaining to the Rule(s): The State Board of Education has adopted new graduation requirements effective July 1, 1985, which includes a provision permitting students to graduate under standards in effect at the time of entry to ninth grade. Therefore, these provisions may be repealed but remain in effect for students commencing the ninth grade prior to repeal.

NEW SECTION

WAC 180-56-003 APPLICATION OF WAC 180-50-010 THROUGH 180-50-070 AND 180-56-006 THROUGH 180-56-066—HIGH SCHOOL GRADUATION REQUIREMENTS FOR STUDENTS WHO COMMENCED THE NINTH GRADE PRIOR TO JULY 1, 1985. The provisions of WAC 180-50-010 through 180-50-070, which establish courses of study in the common schools, and the provisions of WAC 180-56-006 through 180-56-066, which establish high school graduation requirements for students in common schools, approved private schools, and community colleges, apply to students who commenced the ninth grade prior to July 1, 1985. In accordance with WAC 180-51-035 such provisions remain applicable and in effect for such students for a maximum of ten years even though such regulations have been repealed. Copies of such repealed regulations are available from the office of superintendent of public instruction.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- (1) WAC 180-56-006 PURPOSE OF GRADUATION REQUIREMENTS.
- (2) WAC 180-56-011 SCHOOL DISTRICT BOARD OF DIRECTORS TO ADOPT GRADUATION REQUIREMENTS.
- (3) WAC 180-56-016 MINIMUM HIGH SCHOOL GRADUATION REQUIREMENTS.
- (4) WAC 180-56-021 REQUIRED SUBJECT AREAS AND CREDITS.
- (5) WAC 180-56-023 REQUIRED SUBJECT AREAS AND CREDITS FOR HIGH SCHOOL GRADUATION.
- (6) WAC 180-56-026 AREAS OF STUDY WHICH MUST BE AVAILABLE TO STUDENTS.
- (7) WAC 180-56-031 WAIVER OF HIGH SCHOOL GRADUATION REQUIREMENTS.
- (8) WAC 180-56-036 ADDITIONAL HIGH SCHOOL GRADUATION REQUIREMENTS.
- (9) WAC 180-56-041 CREDIT FOR LEARNING EXPERIENCES CONDUCTED AWAY FROM SCHOOL OR BY PERSONS NOT EMPLOYED BY THE SCHOOL DISTRICT.
- (10) WAC 180-56-046 HIGH SCHOOL CREDIT FOR CORRESPONDENCE COURSES AND COLLEGE COURSES.
- (11) WAC 180-56-051 HIGH SCHOOL CREDIT FOR WORK EXPERIENCE.
- (12) WAC 180-56-056 HIGH SCHOOL GRADUATION AND STATE APPORTIONMENT CREDIT—NATIONAL

GUARD HIGH SCHOOL CAREER TRAINING—APPROVAL PROCEDURES.

(13) WAC 180-56-061 HIGH SCHOOL GRADUATION REQUIREMENTS—MINIMUM.

(14) WAC 180-56-066 HIGH SCHOOL GRADUATION REQUIREMENTS—RECOMMENDATION FOR ADDITIONAL REQUIREMENTS—FOR ALL STUDENTS WHO COMMENCE THE NINTH GRADE PRIOR TO JULY 1, 1977.

WSR 84-17-089

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 17, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Board of Education intends to adopt, amend, or repeal rules concerning adult education, chapter 180-72 WAC;

that the agency will at 9:00 a.m., Thursday, September 27, 1984, in the ESD 112 Conference Room, 1313 N.E. 134th Street, Vancouver, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 28, 1984.

The authority under which these rules are proposed is RCW 28B.50.535.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 1984.

Dated: August 17, 1984

By: Monica Schmidt
Secretary

STATEMENT OF PURPOSE

Rule: Chapter 180-72 WAC, Adult education.

Rule Section(s): WAC 180-72-045 Authority—Regulatory provisions recognize intent of specific acts; 180-72-060 Adult high school completion education—Community college and common school district participation; and 180-72-065 Community college high school diploma programs.

Statutory Authority: RCW 28B.50.535.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: WAC 180-72-045, statutory references are updated and the State Board of Education responsibility to issue high school certificates is deleted; WAC 180-72-060, the statutory authorization for community college districts and school districts entering into agreement regarding adult education programs is updated and unnecessary language is deleted; and WAC 180-72-065, WAC references related to high school graduation requirements are updated.

Reasons Which Support the Proposed Action(s): Modifications necessary to reflect new high school graduation requirements adopted by State Board of Education.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Bruce Brennan, SPI, 3-1066.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Amendments either clarify agency policy or provide appropriate cross references to other sections of code.

AMENDATORY SECTION (Amending Order 5-70, filed 4/28/70)

WAC 180-72-045 AUTHORITY—REGULATORY PROVISIONS RECOGNIZE INTENT OF SPECIFIC ACTS. The policies, rules and regulations hereinafter in WAC 180-72-050 through 180-72-075 set forth recognize the intent of (1) chapter ((261- Laws of 1969 1st ex. sess.)) 28B.50 RCW to (a) place major responsibility for adult education in the community colleges, (b) provide for the conduct of adult education programs by the common schools under arrangements between the appropriate community college and common school district, (c) permit the issuance of high school diplomas by the community colleges under rules and regulations promulgated by the superintendent of public instruction and the state board of education, and (d) provide for the administration of certain federally supported adult education programs by the superintendent of public instruction in cooperation with the state director of community colleges; (2) RCW 28A.58.240 to permit boards of directors of common school districts to make arrangements with adults wishing to attend school; and (3) chapter ((28A-06)) 28A.05 RCW which provides that the state board of education shall prescribe course requirements for high school completion ((and issue state high school certificates to those completing the said course)).

AMENDATORY SECTION (Amending Order 5-70, filed 4/28/70)

WAC 180-72-060 ADULT HIGH SCHOOL COMPLETION EDUCATION—COMMUNITY COLLEGE AND COMMON SCHOOL DISTRICT PARTICIPATION. (1) Program authorization. A community college district and a common school district under provisions of RCW ((28B-50-530)) 28C.04.160 may enter into agreement for the conduct of an adult education program by the common school district in behalf of the community college district ((when such program will not conflict with an existing program of the same nature and in the same geographical area conducted by the community college district)); PROVIDED, That such program shall be established, administered and operated in accordance with procedures ((and guidelines)) prescribed by the superintendent of public instruction in cooperation with the state director of community colleges.

(2) Cooperative study of needs. Community colleges and common school districts are encouraged to study cooperatively the needs in their own communities for educational services designed for adults to complete their high school training and, consistent with statutory provisions and requirements prescribed in this chapter, to provide appropriate programs to meet such needs.

AMENDATORY SECTION (Amending Order 9-76, filed 7/19/76)

WAC 180-72-065 COMMUNITY COLLEGE HIGH SCHOOL DIPLOMA PROGRAMS. (1) Minimum requirements for high school diploma. The minimum requirements and procedures for the issuance of a high school diploma by or through a community college district shall be as prescribed by the state board of education in this section and chapters 180-51 and 180-56 WAC ((180-56-006 through 180-56-066)).

(2) Provisions governing program for persons eighteen years of age and over. (a) The appropriate school district or community college education official shall evaluate the previous educational records of the student and may provide evaluative testing to determine the student's educational level and shall recommend an appropriate course or courses of study upon the successful completion of which the student will be eligible for the high school diploma.

(b) Satisfaction of minimum course requirements may be met by one or more of the following methods—actual completion of courses regularly conducted in high school, vocational-technical institute

and/or community college; approved correspondence or extension courses; supervised independent study; or testing in specific subject areas.

(c) The appropriate education official shall exercise reasonable judgment in appraising the educational experience of the student either in or out of a formal school program to determine the degree to which the student has satisfied the minimum credit requirements for completion of the high school program. Consideration may be given to work experience, vocational training, civic responsibilities discharged by the adult and other evidences of educational attainment.

(d) A high school diploma shall be granted to each individual who satisfactorily meets the requirements for high school completion herein and hereinbefore in subsection (1) set forth, the said diploma to be issued by the appropriate school district or community college: PROVIDED, That in the event the school district and the community college are unable to agree as to which educational agency shall issue the said diploma, the superintendent of public instruction shall make the decision and designate the issuing agency. Records of diplomas issued under the provisions of this subsection shall be maintained by the issuing agency.

(3) Provisions governing program for persons under eighteen years of age. (a) The high school principal shall evaluate the previous educational record of the individual and prior to his enrollment in courses and in cooperation with the appropriate education official of a community college or vocational-technical institute shall approve the program of studies leading to the high school diploma.

(b) The student must be assigned a program supervisor.

(c) Satisfaction of the minimum credit requirements may be met by one or more of the following methods—actual completion of courses regularly conducted in high school, vocational-technical institute and/or community college; approved correspondence or extension courses; or approved supervised independent study.

(d) The school district shall grant the regular high school diploma or certificate of graduation to each individual who satisfactorily meets the requirements for high school completion herein and hereinbefore in subsection (1) set forth: PROVIDED, That the school district may delegate the responsibility for granting such a diploma or certificate to the appropriate community college or vocational-technical institute. Records of diplomas issued under provisions of this subsection shall be maintained by the issuing agency.

(4) Each fiscal year each community college district shall file a statistical report with the state board of education and with the review committee established by the sub(=)section. The statistical report shall consist of, but not be restricted to, the number of high school diplomas issued for that fiscal year with sub-divisions indicating students under eighteen years of age, over eighteen years of age, and those diplomas issued through special authorities such as PREP. Additional reports may be filed by the committee established herein with the state board of education and with the local board of trustees of the community college district. The form and content of these additional reports shall be determined by the state superintendent of public instruction after consultation with the director of the office of the state board for community college education.

A review committee shall be established in each community college district composed of professional educators working within that district. The superintendent of public instruction shall appoint one superintendent, one high school principal, one high school counselor, and one high school teacher to serve on such committee. The president of the community college district may appoint one adult educator to serve on the committee.

This committee shall meet at the direction of the superintendent of public instruction for the purpose of reviewing not more than once each year the high school diploma program at the community college in relationship to its compliance with high school diploma requirements established in chapters 180-51, 180-56 and 180-72 WAC. After each review, the committee shall prepare and submit ((x)) an oral and written report to the board of trustees of the college district and a written report to the state board of education which sets forth the committee's findings and suggestions for any improvements in the program deemed necessary or advisable.

The individual members of the review committee, who are employees of a school district may request from the community college district reimbursement for travel and expenses at such rates and for such purposes as are allowed state employees by law and rules of the office of program planning and fiscal management. The superintendent of public instruction may reimburse for substitutes required in connection with teacher members of the committee as provided by law.

(5) Any high school graduation diploma issued by or through a community college district shall certify ((on its face)) that the diploma is issued in compliance with high school graduation requirements established by the state board of education and procedures established by the superintendent of public instruction.

WSR 84-17-090
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
[Filed August 17, 1984]

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

Amd WAC 232-12-189 Duplicate licenses, tags, etc.—Rules for issuance.
Amd WAC 232-12-241 Requirements for license dealers;

that the agency will at 9:00 a.m., Wednesday, October 10, 1984, in the Moose Lodge, 814 6th Street, Clarkston, WA 99403, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 10, 1984.

The authority under which these rules are proposed is RCW 77.04.020.

The specific statute these rules are intended to implement is RCW 77.32.256 and 77.32.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 8, 1984.

Dated: August 14, 1984

By: James R. Carlin
Game License Manager

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 232-12-189 Duplicate licenses, tags, etc.—Rules for issuance.

Statutory Authority: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.32.256.

Summary of the Rule: Allows game license dealers and Department of Game offices to issue duplicate licenses to licensees who have had their original licenses, permits, tags, stamps, or punchcards lost, mutilated, or stolen.

Reasons Supporting the Proposed Rule: Department has determined that game licensees would be better served if they could obtain duplicate licenses, permits, tags, stamps, or punchcards from both the game license dealers and Department of Game offices. In the past the licensee could obtain a duplicate only at one of our six regional offices.

Title and Number of Rule Section: WAC 232-12-241 Requirements of license dealers.

Statutory Authority: RCW 77.04.020.

Specific Statute that Rule is Intended to Implement: RCW 77.32.050.

Summary of the Rule: Requires that game license dealers have a bond in such amount as the director shall determine; authorizes game license dealers, with written permission, to deviate from the 10th day of the following month requirement on submitting sold licenses; and changes the word records to dealer license supplies and license accounts.

Reasons Supporting the Proposed Rule: Change in license system to one document makes old wording incorrect. Cannot guarantee full and complete payment since licenses sent to dealer could have a value from \$5.00 to \$125.00 on each license; some dealers are on an accounting system of more than 12 payments a year. These dealers would not meet the 10th of the month reporting requirement even though they are reporting more than is required by law; and changes the word record to dealer license supplies and license accounts.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: James R. Carlin, Game License Manager, Management Services Division, Department of Game, 600 North Capitol Way, Olympia, WA 98504, Telephone: (206) 753-5719.

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

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: No comments.

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

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

A small business economic impact statement is not required.

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-189 DUPLICATE LICENSES, TAGS, ETC.—RULES FOR ISSUANCE. ((Application)) Request for replacement of licenses, permits, tags, stamps or punchcards required by chapter 77.32 RCW, which have been lost, mutilated, or stolen, must be made ((on a form supplied by the department)) by the licensee.

((All applicable information indicated on the form must be provided and the form must be notarized.))

Duplicate licenses, permits, tags, stamps and punchcards may be issued ((only)) at department offices or by ((department employees authorized by the director)) game license dealers.

AMENDATORY SECTION (Amending Order 174, filed 10/22/81)

WAC 232-12-241 REQUIREMENTS OF LICENSE DEALERS. (1) The director may deputize persons, firms or corporations as license dealers in such numbers as deemed necessary, for the purpose of issuing licenses, permits, tags, stamps, and punchcards.

(2) All persons, firms or corporations so deputized shall provide the director with a good and sufficient bond in such amount as the director shall determine((, such bond to guarantee full and complete payment for all licenses, permits, tags, stamps, and punchcards sold or not remitted by the dealer)).

(3) License dealers shall remit all moneys collected from the sale of licenses, permits, tags, stamps, and punchcards by the 10th day of the following month in which the licenses are sold except with written permission of the game license manager to remit on a different schedule.

(4) License dealers must issue licenses, permits, tags, stamps, and punchcards in accordance with instructions provided by the department in the license dealer's manual.

(5) All ((records)) dealer license supplies and license accounts held pursuant to the statutes and regulations dealing with license dealers

must be open to inspection by a wildlife agent or department designee at reasonable times.

WSR 84-17-091

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-113—Filed August 17, 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 restrictions in Area 4B provide protection for Columbia River, coastal tributaries, Puget Sound and Canadian chinook stocks, during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set fishery. Restrictions in Areas 5 and 6C provide protection for Puget Sound and Canadian chinook stocks during IPSFC controlled sockeye fisheries while allowing a limited effort, limited impact immobile set net fishery. Restrictions in Areas 6, 6A, 7 and 7A provide protection for Puget Sound and Canadian origin chinook during IPSFC sockeye fisheries. Restrictions in Areas 6B and 9 provide protection for Stillaguamish chinook. Restrictions in Area 10C and the Cedar River provide protection for Lake Washington sockeye. Restrictions in Areas 10D, 10F and 10G provide protection for Lake Washington sockeye while allowing harvest of surplus chinook. Restrictions in Area 7C and the Samish River provide protection for milling summer/fall chinook returning to the Samish Hatchery. Restrictions in Skagit River above Baker River provide protection for spawning stocks. Restrictions in Area 13A and Nooksack and White River and Minter Creek provide protection for local spring chinook stocks. Restrictions in the Stillaguamish River provide protection for local summer/fall chinook. Restrictions in the Dungeness, Elwha, Sekiu, Hoko, Clallam, Pysht and Lyre rivers, Deep and Salt creeks and Area 6D provide protection for local summer/fall chinook stocks.

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

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

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

APPROVED AND ADOPTED August 17, 1984.

By Frank Haw
for William R. Wilkerson
Director

NEW SECTION

WAC 220-28-415 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS. Effective August 19, 1984, it is unlawful for treaty Indian fishermen to take, fish for, or possess salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following restrictions:

Areas 4B, 5 and 6C - Effective until further notice, drift gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6, 6A, 7 and 7A - Effective until further notice, gill net gear restricted to 5-7/8 inch maximum mesh, when open.

Areas 6B, 9 - Closed to all commercial fishing.

Area 6D - Closed to all commercial fishing.

*Area 7C - Closed to all commercial fishing.

Area 8 - Closed to all commercial fishing.

Skagit River - (1) Mouth to Baker River - Closed to all net gear except dip bag nets, and all chinook greater than 24 inches in length must be released when open. (2) Upstream of Baker River including all tributaries - Closed to all commercial fishing.

Area 10C - Closed to all commercial fishing.

Area 10D - (1) Gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open. (2) Closed to all commercial fishing in that portion within 250 yards of the eastern and northern shores of Lake Sammamish between the Sammamish River and Issaquah Creek.

Areas 10F and 10G - Gill nets restricted to 6-1/2" minimum mesh, and other gear must release sockeye when open.

Area 13A - Closed to all commercial fishing in that portion within 1,000-foot radius from the outer oyster stakes off Minter Creek and all of Minter Creek Bay.

Nooksack River - Upstream of confluence, closed to all commercial fishing.

Elwha River, Dungeness River, Samish River, Stillaguamish River, White River, Cedar River, Sekiu River, Hoko River, Clallam River, Pysht River, Lyre River, Salt Creek, and Deep Creek - Closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately.

WAC 220-28-414 PUGET SOUND COMMERCIAL FISHERY RESTRICTIONS (84-110)

WSR 84-17-092
PROPOSED RULES
DEPARTMENT OF GAME
(Game Commission)
 [Filed August 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Game Commission intends to adopt, amend, or repeal rules concerning Swinomish Spit Game Reserve, adopting WAC 232-16-700;

that the agency will at 9:00 a.m., Wednesday, October 10, 1984, in the Moose Lodge, 814 6th, Clarkston, WA 99403, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 10, 1984.

The authority under which these rules are proposed is RCW 77.12.040.

The specific statute these rules are intended to implement is RCW 77.12.040.

This notice is connected to and continues the matter in Notice No. WSR 84-14-068 filed with the code reviser's office on July 2, 1984.

Dated: August 17, 1984

By: Richard J. Poelker, Administrator
 Wildlife Management Division

WSR 84-17-093
PROPOSED RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Filed August 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning the adoption of a new section to be added to chapter 415-02 WAC to be entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the tables, schedules and factors currently being used by the Department of Retirement Systems to calculate benefits;

that the agency will at 10:00 a.m., Tuesday, September 25, 1984, in the Board Room, Department of Retirement Systems, 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 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 20, 1984

By: Robert L. Hollister, Jr.
 Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 415-02-090
Actuarial tables, schedules and factors.

Statutory Authority: RCW 41.50.050(5) and 41.50.090.

Summary of Rule: This notice proposes to add a section to chapter 415-02 WAC to be entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the actuarial tables, schedules and factors currently used by the department in calculating retirement benefits.

Description of the Purpose of the Rule: To protect the tax status of the several plans as qualified plans pursuant to section 401(a) of the Internal Revenue Code.

Reasons for Supporting the Proposed Rule: On October 12, 1982, the Internal Revenue Service determined that each of the retirement systems administered by the Department of Retirement Systems was qualified pursuant to section 401(a) of the Internal Revenue Code. In order to maintain the qualification, however, the service directed the department to amend each retirement plan to provide definitely determinable benefits. Chapter 227, Laws of 1984, provided members of the various retirement systems the right to participate in the tax deferral benefits of 26 U.S.C. 414(h). This section of the Internal Revenue Code mandates that participating retirement systems be qualified under section 401(a) of the code. By including the actuarial tables, schedules, and factors in the WAC, the department will have complied with the Internal Revenue Service direction to provide definitely determinable benefits, and will have protected the status of the several plans as qualified under section 401(a) of the Internal Revenue Code.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of Governmental Agency Proposing the Rule: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

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.

NEW SECTION

WAC 415-02-090 ACTUARIAL TABLES, SCHEDULES, AND FACTORS This chapter contains the tables, schedules, and factors adopted by the Director of the Department of Retirement Systems pursuant to the Authority granted by RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065, and 43.43.200 for calculating optional retirement allowances of members of retirement systems administered by the Director. These tables, schedules, and factors were adopted by the Director upon the recommendation of and in light of the findings of the State Actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from February 1, 1983 until such

time as these tables, schedules, and factors are amended by the Director following the next actuarial investigation conducted by the State Actuary. The retirement allowances of members retiring before February 1, 1983 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the Director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I
 OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0054700	40	.0059609
21	.0054828	41	.0060051
22	.0054965	42	.0060521
23	.0055110	43	.0061017
24	.0055265	44	.0061542
25	.0055429	45	.0062096
26	.0055603	46	.0062680
27	.0055789	47	.0063295
28	.0055986	48	.0063944
29	.0056196	49	.0064627
30	.0056419	50	.0065347
31	.0056656	51	.0066107
32	.0056908	52	.0066910
33	.0057177	53	.0067757
34	.0057462	54	.0068653
35	.0057766	55	.0069599
36	.0058090	56	.0070601
37	.0058435	57	.0071661
38	.0058802	58	.0072785
39	.0059193	59	.0073978

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I
 OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
60	.0075247	80	.0134741
61	.0076599	81	.0140602
62	.0078043	82	.0146893
63	.0079590	83	.0153643
64	.0081252	84	.0160876
65	.0083041	85	.0168596
66	.0084972	86	.0176777
67	.0087057	87	.0185354
68	.0089308	88	.0194227
69	.0091740	89	.0203271
70	.0094365	90	.0212300
71	.0097197	91	.0221230
72	.0100251	92	.0229835
73	.0103543	93	.0238025
74	.0107090	94	.0245729
75	.0110909	95	.0252919
76	.0115018	96	.0259597
77	.0119436	97	.0265773
78	.0124183	98	.0271452
79	.0129277	99	.0276633

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM - PLAN II

OPTION 1

MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0033119	41	.0040034
21	.0033320	42	.0040572
22	.0033529	43	.0041137
23	.0033748	44	.0041728
24	.0033977	45	.0042349
25	.0034215	46	.0042999
26	.0034465	47	.0043681
27	.0034726	48	.0044395
28	.0035000	49	.0045144
29	.0035286	50	.0045931
30	.0035585	51	.0046757
31	.0035899	52	.0047625
32	.0036228	53	.0048538
33	.0036573	54	.0049499
34	.0036935	55	.0050511
35	.0037314	56	.0051579
36	.0037713	57	.0052705
37	.0038132	58	.0053896
38	.0038572	59	.0055155
39	.0039035	60	.0056489
40	.0039522		

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM - PLAN II
 OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
61	.0057906	81	.0122921
62	.0059415	82	.0129309
63	.0061024	83	.0136171
64	.0062746	84	.0143532
65	.0064592	85	.0151396
66	.0066576	86	.0159741
67	.0068710	87	.0168505
68	.0071007	88	.0177590
69	.0073481	89	.0186870
70	.0076145	90	.0196157
71	.0079014	91	.0205362
72	.0082103	92	.0214254
73	.0085430	93	.0222735
74	.0089012	94	.0230726
75	.0092869	95	.0238194
76	.0097019	96	.0245135
77	.0101483	97	.0251556
78	.0106282	98	.0257459
79	.0111438	99	.0262841
80	.0116975		

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
TEACHERS RETIREMENT SYSTEM
EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>PLAN I</u>		<u>PLAN II</u>	
	<u>Early Retirement Factor</u>	<u>Ratio</u>	<u>Early Retirement Factor</u>	<u>Ratio</u>
	<u>.0075</u>		<u>.0081</u>	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective Date: February 1, 1983.

PERS
OPTION 2

<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.951	-15	.948
.946	-14	.942
.941	-13	.936
.936	-12	.930
.931	-11	.923
.925	-10	.916
.919	- 9	.909
.914	- 8	.901
.903	- 7	.889
.892	- 6	.875
.881	- 5	.860
.870	- 4	.845
.858	- 3	.829
.845	- 2	.812
.833	- 1	.796
.821	0	.779
.808	1	.761
.795	2	.744
.782	3	.728
.775	4	.717
.768	5	.707
.762	6	.697
.747	7	.680
.741	8	.670
.735	9	.660
.729	10	.651
.723	11	.641
.716	12	.631
.709	13	.621
.702	14	.611
.695	15	.601

Effective Date: February 1, 1983

PERS OPTION 3		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.977	-15	.975
.974	-14	.972
.972	-13	.968
.968	-12	.965
.966	-11	.961
.963	-10	.958
.959	- 9	.953
.957	- 8	.949
.951	- 7	.942
.945	- 6	.934
.938	- 5	.925
.932	- 4	.917
.925	- 3	.907
.918	- 2	.897
.911	- 1	.883
.903	0	.877
.896	1	.866
.888	2	.855
.880	3	.844
.876	4	.837
.871	5	.830
.866	6	.823
.860	7	.811
.855	8	.804
.850	9	.797
.845	10	.791
.840	11	.784
.835	12	.771
.830	13	.764
.825	14	.758
.820	15	.752

Effective Date: February 1, 1983.

LEOFF RETIREMENT SYSTEM

PLAN II

OPTION I

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.00332	46	.00433	72	.00865
21	.00334	47	.00440	73	.00900
22	.00336	48	.00448	74	.00937
23	.00338	49	.00456	75	.00976
24	.00340	50	.00465	76	.01017
25	.00343	51	.00474	77	.01061
26	.00345	52	.00483	78	.01109
27	.00348	53	.00493	79	.01161
28	.00351	54	.00504	80	.01218
29	.00353	55	.00515	81	.01278
30	.00357	56	.00526	82	.01341
31	.00360	57	.00539	83	.01408
32	.00363	58	.00552	84	.01478
33	.00367	59	.00566	85	.01550
34	.00370	60	.00581	86	.01626
35	.00374	61	.00597	87	.01706
36	.00378	62	.00614	88	.01788
37	.00382	63	.00632	89	.01875
38	.00387	64	.00652	90	.01966
39	.00392	65	.00673	91	.02062
40	.00397	66	.00695	92	.02164
41	.00402	67	.00719	93	.02272
42	.00407	68	.00745	94	.02386
43	.00413	69	.00772	95	.02508
44	.00420	70	.00801	96	.02641
45	.00426	71	.00832		

Effective Date: 2-1-83

LEOFF

PLAN II

EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>EARLY RETIREMENT FACTOR</u>	<u>RATIO</u>
	<u>.0074</u>	
1	.9147	1.0056
2	.8367	1.0098
3	.7654	1.0126
4	.7001	1.0138
5	.6404	1.0139
6	.5858	1.0124
7	.5358	1.0102
8	.4902	1.0070
9	.4484	1.0025
10	.4101	.9971
15	.2626	.9577
20	.1682	.9033
25	.1077	.8407
30	.0690	.7735

Effective Date: February 1, 1983

LEOFF
PLAN II
OPTION 2

<u>DIFFERENCE</u>	<u>RATE</u>
-15	.928
-14	.922
-13	.914
-12	.907
-11	.899
-10	.891
- 9	.883
- 8	.874
- 7	.866
- 6	.857
- 5	.848
- 4	.839
- 3	.831
- 2	.822
- 1	.813
0	.804
1	.795
2	.786
3	.777
4	.768
5	.760
6	.751
7	.743
8	.735
9	.727
10	.719
11	.712
12	.705
13	.698
14	.691
15	.684

Effective Date: February 1, 1983

LEOFF
PLAN II
OPTION 3

<u>DIFFERENCE</u>	<u>RATE</u>
-15	.964
-14	.960
-13	.956
-12	.952
-11	.948
-10	.943
- 9	.939
- 8	.934
- 7	.929
- 6	.924
- 5	.919
- 4	.914
- 3	.908
- 2	.903
- 1	.898
0	.892
1	.887
2	.881
3	.875
4	.870
5	.864
6	.859
7	.853
8	.848
9	.843
10	.838
11	.833
12	.828
13	.823
14	.818
15	.813

Effective Date: February 1, 1983

WASHINGTON STATE TEACHERS RETIREMENT SYSTEM - PLAN I
 MONTHLY, NO-REFUND ANNUITY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0054532	40	.0059053
21	.0054650	41	.0059462
22	.0054777	42	.0059896
23	.0054911	43	.0060358
24	.0055053	44	.0060847
25	.0055204	45	.0061364
26	.0055365	46	.0061911
27	.0055536	47	.0062488
28	.0055718	48	.0063097
29	.0055911	49	.0063740
30	.0056116	50	.0064418
31	.0056335	51	.0065134
32	.0056567	52	.0065891
33	.0056814	53	.0066691
34	.0057077	54	.0067537
35	.0057357	55	.0068432
36	.0057655	56	.0069379
37	.0057972	57	.0070383
38	.0058310	58	.0071447
39	.0058670	59	.0072575

*Option 1A is above table times .98.

Effective Date: February 1, 1983.

WASHINGTON STATE TEACHERS RETIREMENT SYSTEM - PLAN I
MONTHLY, NO-REFUND ANNUITY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
60	.0073773	80	.0132372
61	.0075048	81	.0138669
62	.0076407	82	.0145556
63	.0077859	83	.0153109
64	.0079416	84	.0161425
65	.0081092	85	.0170612
66	.0082901	86	.0180783
67	.0084858	87	.0192051
68	.0086979	88	.0204506
69	.0089281	89	.0218213
70	.0091780	90	.0233197
71	.0094493	91	.0249340
72	.0097439	92	.0266842
73	.0100637	93	.0285364
74	.0104110	94	.0304859
75	.0107884	95	.0325231
76	.0111987	96	.0346451
77	.0116451	97	.0368604
78	.0121309	98	.0391855
79	.0126602	99	.0416429

*Option 1A is above table times .98.

Effective Date: February 1, 1983.

TEACHERS RETIREMENT SYSTEM
 PLAN II - OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0032856	40	.0038868
21	.0033046	41	.0039347
22	.0033243	42	.0039851
23	.0033449	43	.0040381
24	.0033665	44	.0040937
25	.0033890	45	.0041520
26	.0034125	46	.0042132
27	.0034371	47	.0042774
28	.0034628	48	.0043447
29	.0034897	49	.0044154
30	.0035179	50	.0044896
31	.0035474	51	.0045675
32	.0035783	52	.0046494
33	.0036106	53	.0047355
34	.0036446	54	.0048263
35	.0036801	55	.0049218
36	.0037175	56	.0050226
37	.0037567	57	.0051289
38	.0037979	58	.0052412
39	.0038412	59	.0053599

*Option 1A is above table times .98.

Effective Date: February 1, 1983

TEACHERS RETIREMENT SYSTEM
 PLAN II - OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
60	.0054856	80	.0113626
61	.0056188	81	.0119860
62	.0057603	82	.0126678
63	.0059110	83	.0134155
64	.0060720	84	.0142385
65	.0062444	85	.0151472
66	.0064297	86	.0161528
67	.0066291	87	.0172662
68	.0068444	88	.0184966
69	.0070770	89	.0198506
70	.0073286	90	.0213311
71	.0076007	91	.0229279
72	.0078953	92	.0246598
73	.0082144	93	.0264954
74	.0085603	94	.0284307
75	.0089355	95	.0304567
76	.0093429	96	.0325712
77	.0097856	97	.0347828
78	.0102671	98	.0371078
79	.0107913	99	.0395686

*Option 1A is above table times .98.

Effective Date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
TEACHERS RETIREMENT SYSTEM
EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>PLAN I</u>		<u>PLAN II</u>	
	<u>Early Retirement Factor</u>	<u>Ratio</u>	<u>Early Retirement Factor</u>	<u>Ratio</u>
	<u>.0075</u>		<u>.0081</u>	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective Date: February 1, 1983.

TEACHERS OPTION 2		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.958	-15	.957
.955	-14	.952
.951	-13	.947
.947	-12	.942
.944	-11	.937
.940	-10	.933
.935	- 9	.927
.930	- 8	.921
.925	- 7	.914
.920	- 6	.906
.913	- 5	.897
.906	- 4	.887
.898	- 3	.876
.884	- 2	.856
.864	- 1	.831
.838	0	.796
.829	1	.780
.821	2	.765
.813	3	.753
.805	4	.742
.797	5	.730
.788	6	.718
.779	7	.706
.771	8	.694
.763	9	.688
.755	10	.676
.746	11	.664
.737	12	.652
.728	13	.640
.719	14	.628
.709	15	.616

Effective Date: February 1, 1983.

TEACHERS OPTION 3		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.978	-15	.977
.977	-14	.975
.975	-13	.973
.972	-12	.970
.971	-11	.968
.969	-10	.965
.966	- 9	.961
.964	- 8	.957
.962	- 7	.953
.959	- 6	.949
.954	- 5	.945
.951	- 4	.941
.949	- 3	.938
.938	- 2	.923
.926	- 1	.907
.911	0	.886
.906	1	.876
.901	2	.869
.897	3	.861
.892	4	.854
.887	5	.848
.881	6	.840
.875	7	.831
.870	8	.823
.865	9	.816
.860	10	.809
.853	11	.800
.847	12	.791
.841	13	.781
.835	14	.771
.829	15	.762

Effective Date: February 1, 1983

WSR 84-17-094
EMERGENCY RULES
DEPARTMENT OF
RETIREMENT SYSTEMS
 [Order IV—Filed August 20, 1984]

I, Robert L. Hollister, Jr., director of the Department of Retirement Systems, do promulgate and adopt at Olympia, Washington, the annexed rules relating to adding a section to chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal includes in WAC the tables, schedules and factors currently being used by the department in calculating retirement benefits.

I, Robert L. Hollister, Jr., 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 unless this WAC is in place by September 1, 1984, it is possible that the Internal Revenue Service might rule that our retirement systems are no longer qualified. Such a ruling would defeat the legislature's purpose in adopting SSB 4477 which provides for the tax deferral of retirement contributions.

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

This rule is promulgated pursuant to RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200 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 August 20, 1984.

By Robert L. Hollister, Jr.
 Director

NEW SECTION

WAC 415-02-090 ACTUARIAL TABLES, SCHEDULES, AND FACTORS *This chapter contains the tables, schedules, and factors adopted by the Director of the Department of Retirement Systems pursuant to the Authority granted by RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065, and 43.43.200 for calculating optional retirement allowances of members of retirement systems administered by the Director. These tables, schedules, and factors were adopted by the Director upon the recommendation of and in light of the findings of the State Actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from February 1, 1983 until such time as these tables, schedules, and factors are amended by the Director following the next actuarial investigation conducted by the State Actuary. The retirement allowances of members*

retiring before February 1, 1983 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the Director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I
 OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0054700	40	.0059609
21	.0054828	41	.0060051
22	.0054965	42	.0060521
23	.0055110	43	.0061017
24	.0055265	44	.0061542
25	.0055429	45	.0062096
26	.0055603	46	.0062680
27	.0055789	47	.0063295
28	.0055986	48	.0063944
29	.0056196	49	.0064627
30	.0056419	50	.0065347
31	.0056656	51	.0066107
32	.0056908	52	.0066910
33	.0057177	53	.0067757
34	.0057462	54	.0068653
35	.0057766	55	.0069599
36	.0058090	56	.0070601
37	.0058435	57	.0071661
38	.0058802	58	.0072785
39	.0059193	59	.0073978

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I
 OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
60	.0075247	80	.0134741
61	.0076599	81	.0140602
62	.0078043	82	.0146893
63	.0079590	83	.0153643
64	.0081252	84	.0160876
65	.0083041	85	.0168596
66	.0084972	86	.0176777
67	.0087057	87	.0185354
68	.0089308	88	.0194227
69	.0091740	89	.0203271
70	.0094365	90	.0212300
71	.0097197	91	.0221230
72	.0100251	92	.0229835
73	.0103543	93	.0238025
74	.0107090	94	.0245729
75	.0110909	95	.0252919
76	.0115018	96	.0259597
77	.0119436	97	.0265773
78	.0124183	98	.0271452
79	.0129277	99	.0276633

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM - PLAN II

OPTION 1

MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0033119	41	.0040034
21	.0033320	42	.0040572
22	.0033529	43	.0041137
23	.0033748	44	.0041728
24	.0033977	45	.0042349
25	.0034215	46	.0042999
26	.0034465	47	.0043681
27	.0034726	48	.0044395
28	.0035000	49	.0045144
29	.0035286	50	.0045931
30	.0035585	51	.0046757
31	.0035899	52	.0047625
32	.0036228	53	.0048538
33	.0036573	54	.0049499
34	.0036935	55	.0050511
35	.0037314	56	.0051579
36	.0037713	57	.0052705
37	.0038132	58	.0053896
38	.0038572	59	.0055155
39	.0039035	60	.0056489
40	.0039522		

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM - PLAN II

OPTION 1

MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
61	.0057906	81	.0122921
62	.0059415	82	.0129309
63	.0061024	83	.0136171
64	.0062746	84	.0143532
65	.0064592	85	.0151396
66	.0066576	86	.0159741
67	.0068710	87	.0168505
68	.0071007	88	.0177590
69	.0073481	89	.0186870
70	.0076145	90	.0196157
71	.0079014	91	.0205362
72	.0082103	92	.0214254
73	.0085430	93	.0222735
74	.0089012	94	.0230726
75	.0092869	95	.0238194
76	.0097019	96	.0245135
77	.0101483	97	.0251556
78	.0106282	98	.0257459
79	.0111438	99	.0262841
80	.0116975		

*Option 1A is above table times 1.01.

Effective Date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
TEACHERS RETIREMENT SYSTEM
EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>PLAN I</u>		<u>PLAN II</u>	
	<u>Early Retirement Factor</u>	<u>Ratio</u>	<u>Early Retirement Factor</u>	<u>Ratio</u>
	<u>.0075</u>		<u>.0081</u>	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective Date: February 1, 1983.

PERS
OPTION 2

<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.951	-15	.948
.946	-14	.942
.941	-13	.936
.936	-12	.930
.931	-11	.923
.925	-10	.916
.919	- 9	.909
.914	- 8	.901
.903	- 7	.889
.892	- 6	.875
.881	- 5	.860
.870	- 4	.845
.858	- 3	.829
.845	- 2	.812
.833	- 1	.796
.821	0	.779
.808	1	.761
.795	2	.744
.782	3	.728
.775	4	.717
.768	5	.707
.762	6	.697
.747	7	.680
.741	8	.670
.735	9	.660
.729	10	.651
.723	11	.641
.716	12	.631
.709	13	.621
.702	14	.611
.695	15	.601

Effective Date: February 1, 1983

PERS OPTION 3		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.977	-15	.975
.974	-14	.972
.972	-13	.968
.968	-12	.965
.966	-11	.961
.963	-10	.958
.959	- 9	.953
.957	- 8	.949
.951	- 7	.942
.945	- 6	.934
.938	- 5	.925
.932	- 4	.917
.925	- 3	.907
.918	- 2	.897
.911	- 1	.883
.903	0	.877
.896	1	.866
.888	2	.855
.880	3	.844
.876	4	.837
.871	5	.830
.866	6	.823
.860	7	.811
.855	8	.804
.850	9	.797
.845	10	.791
.840	11	.784
.835	12	.771
.830	13	.764
.825	14	.758
.820	15	.752

Effective Date: February 1, 1983.

LEOFF RETIREMENT SYSTEM

PLAN II

OPTION I

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.00332	46	.00433	72	.00865
21	.00334	47	.00440	73	.00900
22	.00336	48	.00448	74	.00937
23	.00338	49	.00456	75	.00976
24	.00340	50	.00465	76	.01017
25	.00343	51	.00474	77	.01061
26	.00345	52	.00483	78	.01109
27	.00348	53	.00493	79	.01161
28	.00351	54	.00504	80	.01218
29	.00353	55	.00515	81	.01278
30	.00357	56	.00526	82	.01341
31	.00360	57	.00539	83	.01408
32	.00363	58	.00552	84	.01478
33	.00367	59	.00566	85	.01550
34	.00370	60	.00581	86	.01626
35	.00374	61	.00597	87	.01706
36	.00378	62	.00614	88	.01788
37	.00382	63	.00632	89	.01875
38	.00387	64	.00652	90	.01966
39	.00392	65	.00673	91	.02062
40	.00397	66	.00695	92	.02164
41	.00402	67	.00719	93	.02272
42	.00407	68	.00745	94	.02386
43	.00413	69	.00772	95	.02508
44	.00420	70	.00801	96	.02641
45	.00426	71	.00832		

Effective Date: 2-1-83

LEOFF
PLAN II
EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>EARLY RETIREMENT FACTOR</u>	<u>RATIO</u>
	<u>.0074</u>	
1	.9147	1.0056
2	.8367	1.0098
3	.7654	1.0126
4	.7001	1.0138
5	.6404	1.0139
6	.5858	1.0124
7	.5358	1.0102
8	.4902	1.0070
9	.4484	1.0025
10	.4101	.9971
15	.2626	.9577
20	.1682	.9033
25	.1077	.8407
30	.0690	.7735

Effective Date: February 1, 1983

LEOFF

PLAN II

OPTION 2

<u>DIFFERENCE</u>	<u>RATE</u>
-15	.928
-14	.922
-13	.914
-12	.907
-11	.899
-10	.891
- 9	.883
- 8	.874
- 7	.866
- 6	.857
- 5	.848
- 4	.839
- 3	.831
- 2	.822
- 1	.813
0	.804
1	.795
2	.786
3	.777
4	.768
5	.760
6	.751
7	.743
8	.735
9	.727
10	.719
11	.712
12	.705
13	.698
14	.691
15	.684

Effective Date: February 1, 1983

LEOFF

PLAN II

OPTION 3

DIFFERENCE

RATE

-15	.964
-14	.960
-13	.956
-12	.952
-11	.948
-10	.943
-9	.939
-8	.934
-7	.929
-6	.924
-5	.919
-4	.914
-3	.908
-2	.903
-1	.898
0	.892
1	.887
2	.881
3	.875
4	.870
5	.864
6	.859
7	.853
8	.848
9	.843
10	.838
11	.833
12	.828
13	.823
14	.818
15	.813

Effective Date: February 1, 1983

WASHINGTON STATE TEACHERS RETIREMENT SYSTEM - PLAN I
 MONTHLY, NO-REFUND ANNUITY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0054532	40	.0059053
21	.0054650	41	.0059462
22	.0054777	42	.0059896
23	.0054911	43	.0060358
24	.0055053	44	.0060847
25	.0055204	45	.0061364
26	.0055365	46	.0061911
27	.0055536	47	.0062488
28	.0055718	48	.0063097
29	.0055911	49	.0063740
30	.0056116	50	.0064418
31	.0056335	51	.0065134
32	.0056567	52	.0065891
33	.0056814	53	.0066691
34	.0057077	54	.0067537
35	.0057357	55	.0068432
36	.0057655	56	.0069379
37	.0057972	57	.0070383
38	.0058310	58	.0071447
39	.0058670	59	.0072575

*Option 1A is above table times .98.

Effective Date: February 1, 1983.

WASHINGTON STATE TEACHERS RETIREMENT SYSTEM - PLAN I
 MONTHLY, NO-REFUND ANNUITY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
60	.0073773	80	.0132372
61	.0075048	81	.0138669
62	.0076407	82	.0145556
63	.0077859	83	.0153109
64	.0079416	84	.0161425
65	.0081092	85	.0170612
66	.0082901	86	.0180783
67	.0084858	87	.0192051
68	.0086979	88	.0204506
69	.0089281	89	.0218213
70	.0091780	90	.0233197
71	.0094493	91	.0249340
72	.0097439	92	.0266842
73	.0100637	93	.0285364
74	.0104110	94	.0304859
75	.0107884	95	.0325231
76	.0111987	96	.0346451
77	.0116451	97	.0368604
78	.0121309	98	.0391855
79	.0126602	99	.0416429

*Option 1A is above table times .98.

Effective Date: February 1, 1983.

TEACHERS RETIREMENT SYSTEM
 PLAN II - OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
20	.0032856	40	.0038868
21	.0033046	41	.0039347
22	.0033243	42	.0039851
23	.0033449	43	.0040381
24	.0033665	44	.0040937
25	.0033890	45	.0041520
26	.0034125	46	.0042132
27	.0034371	47	.0042774
28	.0034628	48	.0043447
29	.0034897	49	.0044154
30	.0035179	50	.0044896
31	.0035474	51	.0045675
32	.0035783	52	.0046494
33	.0036106	53	.0047355
34	.0036446	54	.0048263
35	.0036801	55	.0049218
36	.0037175	56	.0050226
37	.0037567	57	.0051289
38	.0037979	58	.0052412
39	.0038412	59	.0053599

*Option 1A is above table times .98.

Effective Date: February 1, 1983

TEACHERS RETIREMENT SYSTEM
 PLAN II - OPTION 1
 MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>	<u>AGE</u>	<u>BENEFIT</u>
60	.0054856	80	.0113626
61	.0056188	81	.0119860
62	.0057603	82	.0126678
63	.0059110	83	.0134155
64	.0060720	84	.0142385
65	.0062444	85	.0151472
66	.0064297	86	.0161528
67	.0066291	87	.0172662
68	.0068444	88	.0184966
69	.0070770	89	.0198506
70	.0073286	90	.0213311
71	.0076007	91	.0229279
72	.0078953	92	.0246598
73	.0082144	93	.0264954
74	.0085603	94	.0284307
75	.0089355	95	.0304567
76	.0093429	96	.0325712
77	.0097856	97	.0347828
78	.0102671	98	.0371078
79	.0107913	99	.0395686

*Option 1A is above table times .98.

Effective Date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
TEACHERS RETIREMENT SYSTEM
EARLY RETIREMENT FACTORS

<u>YEAR</u>	<u>PLAN I</u>		<u>PLAN II</u>	
	<u>Early Retirement Factor</u>	<u>Ratio</u>	<u>Early Retirement Factor</u>	<u>Ratio</u>
	<u>.0075</u>		<u>.0081</u>	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective Date: February 1, 1983.

TEACHERS OPTION 2		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.958	-15	.957
.955	-14	.952
.951	-13	.947
.947	-12	.942
.944	-11	.937
.940	-10	.933
.935	- 9	.927
.930	- 8	.921
.925	- 7	.914
.920	- 6	.906
.913	- 5	.897
.906	- 4	.887
.898	- 3	.876
.884	- 2	.856
.864	- 1	.831
.838	0	.796
.829	1	.780
.821	2	.765
.813	3	.753
.805	4	.742
.797	5	.730
.788	6	.718
.779	7	.706
.771	8	.694
.763	9	.688
.755	10	.676
.746	11	.664
.737	12	.652
.728	13	.640
.719	14	.628
.709	15	.616

Effective Date: February 1, 1983.

TEACHERS OPTION 3		
<u>PLAN I</u>	<u>AGE DIFFERENCE</u>	<u>PLAN II</u>
.978	-15	.977
.977	-14	.975
.975	-13	.973
.972	-12	.970
.971	-11	.968
.969	-10	.965
.966	- 9	.961
.964	- 8	.957
.962	- 7	.953
.959	- 6	.949
.954	- 5	.945
.951	- 4	.941
.949	- 3	.938
.938	- 2	.923
.926	- 1	.907
.911	0	.886
.906	1	.876
.901	2	.869
.897	3	.861
.892	4	.854
.887	5	.848
.881	6	.840
.875	7	.831
.870	8	.823
.865	9	.816
.860	10	.809
.853	11	.800
.847	12	.791
.841	13	.781
.835	14	.771
.829	15	.762

Effective Date: February 1, 1983

WSR 84-17-095
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 84-114—Filed August 20, 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 this rule allows harvest of salmon and conforms Washington state regulations with recommendations of 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 75.08.070 and 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 20, 1984.

By Russell W. Cahill
 for William R. Wilkerson
 Director

NEW SECTION

WAC 220-32-05100E SEASONS—SALMON. *Notwithstanding the provisions of WAC 220-32-051 and WAC 220-32-052, it is unlawful to take, fish for or possess salmon taken for commercial purposes in Columbia River Management and Catch Reporting Areas 1F, 1G or 1H, except that those individuals possessing treaty rights pursuant to the Yakima, Warm Springs, Umatilla and Nez Perce treaties may fish from 12:00 noon August 20 to 12:00 noon August 23, 1984 with gill net gear having a maximum mesh size of six and one-half inches, and from 12:00 noon September 2 to 12:00 noon September 6, 1984.*

NEW SECTION

WAC 220-32-05800N CLOSED AREAS SALMON—RIVER MOUTHS. *Notwithstanding the provisions of WAC 220-32-058, (1) Effective 12:00 noon August 20, 1984 through 12:00 noon August 23, 1984, the sanctuary provisions at the mouth of Spring Creek National Fish Hatchery are repealed for individuals participating in a legal commercial salmon fishery.*

(2) Effective 12:00 noon September 2 through 12:00 noon September 6, 1984, it is unlawful to fish for or possess salmon taken for commercial purposes from those waters of the Columbia River extending to mid-stream at right angles to the thread of the Columbia

River between points one-half mile upstream from the eastern shoreline to a marker at Broughton Point, approximately one and one-half miles downstream from the mouth of Spring Creek.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 220-32-05100D SEASONS—SALMON. (84-98)

WAC 220-32-05800M CLOSED AREAS SALMON—RIVER MOUTHS. (84-98)

WSR 84-17-096
EMERGENCY RULES
DEPARTMENT OF
NATURAL RESOURCES
 [Order 427—Filed August 20, 1984]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the amendment of an emergency rule describing restrictions on forest lands under the protection of the Department of Natural Resources in the southwest area.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to continued dry weather and forecasted weather conditions in shutdown zones 660 and 621 east, in the southwest area, forest lands are exposed to fire danger.

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

This rule is promulgated pursuant to RCW 76.04.150, 76.04.190 and 76.04.200 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 August 20, 1984.

By Brian J. Boyle
 Commissioner of Public Lands

AMENDATORY SECTION (Amending Emergency Order 426, filed 8/16/84)

WAC 332-26-083 HOOT OWL LOGGING RESTRICTIONS IN PARTS OF WESTERN WASHINGTON UNDER THE PROTECTION OF THE DEPARTMENT OF NATURAL RESOURCES IN THE SOUTHWEST AREA. *Department of Natural Resources Shutdown Zones affected by this restriction are zones 660, in parts of Skamania and eastern*

Lewis, Clark, and Cowlitz counties, and zone 621 East, lying in southern Skamania county, under the protection of the Department of Natural Resources in the Southwest Area.

Effective midnight ((Thursday)) Monday, August ((+6)) 20, 1984 through midnight ((Monday)) Thursday, August ((20)) 23, 1984 all logging, land clearing, and other industrial operations which may cause a fire to start shall cease operation from noon (1200 hr) to midnight (2400 hr) each day of the shutdown period.

During the shutdown period of noon (1200 hr) to midnight (2400 hr) all persons are excluded from logging operating areas and areas of logging slash except those present in the interest of fire protection.

Burning permits and burning privileges are cancelled in Shutdown Zones 660 and 621 East, located in the Southwest Area, during the period of ((Thursday)) Monday, August ((+6)) 20, 1984 through midnight ((Monday)) Thursday, August ((20)) 23, 1984.

WSR 84-17-097
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION

[Filed August 20, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Criminal Justice Training Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 139-36-020	Requirement of basic corrections training.
Amd	WAC 139-36-031	Basic corrections officers academy curriculum.
Amd	WAC 139-36-033	Basic group life and youth camp counselors academy curriculum.
Rep	WAC 139-36-034	Basic juvenile detention workers academy curriculum;

that the agency will at 10:00 a.m., Thursday, October 4, 1984, in the Washington Room, Ramada Inn, Spokane (airport), 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 43.101.080(2).

The specific statute these rules are intended to implement is RCW 43.101.220.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 3, 1984.

Dated: August 17, 1984

By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: Amending WAC 139-36-020 Requirement of basic corrections training; 139-36-031 Basic corrections officers academy curriculum; 139-36-033 Basic group life and youth camp counselors academy curriculum;

and repealing WAC 139-36-034 Basic juvenile detention workers academy curriculum.

Agency: Washington State Criminal Justice Training Commission.

General Purpose of Rule: This rule prescribes statewide basic training for all corrections personnel. (RCW 43.101.220)

Reason for Amendments: WAC 139-36-020 to clearly identify which employees of juvenile corrections must attend certain training; 139-36-031 to increase the number of instructional hours and course content of the basic corrections officers academy; and 139-36-033 to modify the instructional content of the training program for juvenile security workers.

Reason for Repeal: WAC 139-36-034 becomes obsolete with the adoption of the above amendments.

Responsible Agency Personnel: The following personnel of the Washington State Criminal Justice Training Commission have responsibility for drafting, implementing and enforcing this rule: James C. Scott, Executive Director, and M. Linda Chapman, Corrections Training Manager, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, phone (206) 459-6342, scan 585-6342.

AMENDATORY SECTION (Amending Order 15, filed 3/19/82)

WAC 139-36-020 REQUIREMENT OF BASIC CORRECTIONS TRAINING. As provided in RCW 43.101.220, all full-time corrections employees of the state of Washington or of any city, county, or political subdivision of the state of Washington, initially hired on or after January 1, 1982, shall, as a condition of continued employment, successfully complete a basic corrections academy as prescribed, sponsored or conducted by the Washington State Criminal Justice Training Commission for their class. This requirement to complete basic training shall be fulfilled within the initial six months of corrections employment unless otherwise extended or waived by the Commission: provided, that those persons hired on or after January 1, 1982, and prior to July 1, 1982, shall complete the required basic training before January 1, 1983. Requests for extension or waiver of the basic training requirement shall be submitted to the Commission in writing as designated by its policies.

(1) Corrections personnel shall attend basic academy training according to job function as described below:

(a) Corrections Officers Academy. All employees whose primary job function is to provide for the custody, safety and security of adult prisoners in jails, penal institutions and work release facilities. Representative job classifications include, but are not limited to, jailers and correctional officers.

(b) Correctional Services Academy. All employees whose primary job function is the case management of offenders, to include assessment, case planning, counseling, supervision, and monitoring. Representative job classes include, but are not limited to, juvenile and adult probation and parole officers, institution counselors, and psychiatric social workers.

(c) ~~((Juvenile Detention Workers Academy))~~ Juvenile Security Workers Academy. All employees responsible for the care, custody and safety of youth in county juvenile court detention centers((-)), ~~((+))~~ Group Life and Youth Camp Counselors Academy. All employees responsible for the care, custody, and safety of juvenile offenders in state institutions, camps and group homes. Representative job classes include, but are not limited to, juvenile detention workers, group life counselors, ~~((youth camp counselors,))~~ and cottage parents.

(2) It shall be the responsibility of the employing agency to determine the most appropriate basic academy for an employee to attend within the guidelines set by the Commission.

(3) Failure to comply with the above requirements of the Board on Correctional Training Standards and Education shall result in a notification of noncompliance from the Commission directed to the individual employee, and, as appropriate, the employing agency director, chief or sheriff, the Civil Service Commission, the ~~((State Jail Commission))~~

Board on Corrections Standards, and/or the State Auditor's Office, and the chief executive of the local unit of government.

(4) Each agency employing personnel covered by RCW 43.101.220 shall be responsible for full and complete compliance with the above training requirements. Additionally, each such agency shall provide the Commission with employment information necessary for the establishment and maintenance of complete and accurate training records on all affected employees.

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 15, filed 3/19/82)

WAC 139-36-031 BASIC CORRECTIONS OFFICERS ACADEMY CURRICULUM. The Basic Corrections Officers Academy of the Washington State Criminal Justice Training Commission shall be ~~((80))~~ 160 instructional hours in length and shall include the following subject matters:

- (1) The System
 - (a) ~~((Overview of the Criminal Justice System))~~ Practical Law for Corrections Officers
 - (b) ~~((Practical Law for Corrections Officers))~~ Problem Solving
 - (c) Problem Solving
- (2) Supervision and Care of Inmates
 - (a) Supervising Inmates
 - (b) ~~((Physical and Safety Needs))~~ Health and Mental Health Care
 - (c) ~~((Orienting an Inmate))~~ Discipline of Inmates
 - (d) ~~((Mental and Physical Problems))~~ Professionalism
 - (e) ~~((Discipline and Rewards))~~ Dealing with Aggressive Behavior
- (3) Safety and Security
 - (a) ~~((Security Management))~~ First Aid/CPR
 - (b) ~~((Proper Use of Physical Force))~~ Security Management
 - (c) Observation of Group Dynamics
 - (d) ~~((Teamwork and Security))~~ Proper Use of Force
- (4) Communication Skills
 - (a) Incident Report Writing
 - (b) Listening
 - (c) Interpersonal Skills
 - (5) Personal Development
 - (a) Stress Management
 - (b) ~~((Professionalism and Self-Image Building))~~ Physical Fitness
 - (c) ~~((Physical Fitness))~~ Cultural Awareness

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 15, filed 3/19/82)

WAC 139-36-033 ~~((BASIC GROUP LIFE AND YOUTH CAMP COUNSELORS))~~ JUVENILE SECURITY WORKERS ACADEMY CURRICULUM. The ~~((Basic Group Life and Youth Camp Counselors))~~ Juvenile Security Workers Academy curriculum of the Washington State Criminal Justice Training Commission shall be 80 instructional hours in length and shall include the following subject matter:

- (1) The System
 - (a) Overview of the Juvenile Justice System
 - (b) Legal ~~((Aspects))~~ Rights of Incarcerated Youth
 - (c) Reception and Classification
- (2) Supervision and Care
 - (a) ~~((Physical and Safety Needs))~~ Dealing with Aggression
 - (b) ~~((Basic Child Care Techniques))~~ First Aid/CPR
 - (c) ~~((Discipline Techniques))~~ Disciplining Youth
 - (d) Health and Mental Health Care
 - (e) Supervision of Youth
- (3) Program Techniques
 - (a) Listening Skills
 - (b) Interpersonal Skills
 - (c) Observation Skills
 - (d) Group Dynamics

- ~~((c))~~ Counseling Skills
- ~~((f))~~ Empathetic Responding
- ~~((g))~~ Leading Groups in the Correctional Setting
- ~~((h))~~ Youth Skills Training
- (4) Security
 - (a) Incident Report Writing
 - (b) Proper use of Physical Force
 - (c) Safety and Security
 - (5) Personal Development
 - (a) Physical Fitness
 - (b) Stress Management
 - ~~((c))~~ Positive Image Building

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

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 139-36-034 BASIC JUVENILE DETENTION WORKERS ACADEMY CURRICULUM.

WSR 84-17-098
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
 [Order 84-17-Filed August 21, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of WAC 296-24-073 safe place standard; specifically subsection (6)(e) with regard to the use of intoxicating beverages and narcotics in or around the work site. The proposed revision would read as follows: Intoxicating beverages and narcotics shall not be permitted in or around work sites except in industries and businesses engaged in the production, distribution and sale of intoxicating beverages and drugs. Employers who have reason to believe a worker is under the influence of alcohol or narcotics shall not permit that worker to be on the jobsite. This rule does not apply to persons taking prescription drugs and narcotics as directed by a licensed physician or dentist providing such use shall not endanger the worker or others.

I, Sam Kinville, Director, Department of Labor and Industries, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the current wording of the standard is not enforceable due to the fact it prohibits alcohol where it is produced, served, or sold. Revised wording will allow alcohol or narcotics, on the premises of establishments where they are produced, served or sold, but would prohibit consumption of alcohol or narcotics on the premises by employees.

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

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.240 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 20, 1984.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 74-27, filed 5/7/74)

WAC 296-24-073 SAFE PLACE STANDARDS.

(1) Each employer shall furnish to each of his employees a place of employment free from recognized hazards that are causing or likely to cause serious injury or death to his employees.

(2) Every employer shall furnish and use safety devices and safeguards, and shall adopt and use practices, means, methods, operations, and processes which are reasonably adequate to render such employment and place of employment safe. Every employer shall do every other thing reasonably necessary to protect the life and safety of employees.

(3) No employer shall fail or neglect:

(a) To provide and use safety devices and safeguards.

(b) To adopt and use methods and processes reasonably adequate to render the employment and place of employment safe.

(c) To do every other thing reasonably necessary to protect the life and safety of employees.

(5) No employer, owner, or lessee of any real property shall construct or cause to be constructed any place of employment that is not safe.

(6) No person shall do any of the following:

(a) Remove, displace, damage, destroy or carry off any safety device, safeguard, notice, or warning, furnished for use in any employment or place of employment.

(b) Interfere in any way with the use thereof by any other person.

(c) Interfere with the use of any method or process adopted for the protection of any employee, including himself, in such employment, or place of employment.

(d) Fail or neglect to do every other thing reasonably necessary to protect the life and safety of employees.

(e) Intoxicating beverages and narcotics shall not be permitted ((or used)) in or around work sites except in industries and businesses engaged in the production, distribution and sale of intoxicating beverages and drugs.

((Workers)) Employers who have reason to believe a worker is under the influence of alcohol or narcotics shall not ((be permitted on the work site)) permit that worker to be on the jobsite. This rule does not apply to persons taking prescription drugs and ((or)) narcotics as directed by a physician or dentist providing such use shall not endanger the worker or others.

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 84-17-099
ADOPTED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Order 84-18—Filed August 21, 1984]

I, Sam Kinville, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to the amending of chapter 296-24 WAC, general safety and health standards, revision to WAC 296-24-217 servicing multi-piece and single piece rim wheels. This amended standard sets requirements for training all employees who service large vehicle rim wheels; for use of accepted safe practices and procedures; for the use of restraining devices, barriers or other safeguards; and for the use of other essential equipment. Compliance with the provisions of this standard, which stresses safe procedures and training for multi-piece and single-piece rim wheels, will decrease the potential for a rim wheel separation and the resulting fatality or injury. This revision mirrors change published in Federal Register Vol. 49, No. 24 on Friday, February 3, 1984.

This action is taken pursuant to Notice No. WSR 84-15-043 filed with the code reviser on July 16, 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 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 21, 1984.

By Sam Kinville
Director

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-217 SERVICING MULTI-PIECE AND SINGLE PIECE WHEELS.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21701 SCOPE. (1) This section applies to the servicing of ((vehicle wheels which have tube-type tires mounted on multipiece rims as defined in WAC 296-24-21703)) multi-piece and single piece rim wheels used on large vehicles such as trucks, tractors, trailers, buses and off-road machines. It does not apply to the servicing of rim wheels used on automobiles, or on pickup trucks and vans utilizing automobile tires or truck tires designated "LT".

(2) This section does not apply to employers and places of employment regulated under the Construction Safety Standards, chapter 296-155 WAC; Agriculture Standards, chapter 296-306 WAC; or the Maritime Standards, chapter 296-56 WAC.

(3) All provisions of this section apply to the servicing of both single piece rim wheels and multi-piece rim wheels unless designated otherwise.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21703 DEFINITIONS ((~~APPLICABLE TO THIS SECTION~~)). ((~~(1) Charts~~ — the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multi-piece Rim/Wheel Matching Chart," or any other publications containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of multi-piece rim wheels being serviced.

(2) Installing a wheel — the transfer and attachment of an assembled wheel onto a vehicle axle hub. Removing means the opposite of installing.

(3) Mounting a tire — the assembly or putting together of rim components, tube, liner (flap) and tire to form a wheel, including inflation. Demounting means the opposite of mounting.

(4) Multipiece rim — a vehicle wheel rim consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the rim by interlocking components when the tube is inflated, regardless of the sizes of the component parts.

(5) Restraining device — a mechanical apparatus such as a safety cage, rack or safety bar arrangement or other machinery or equipment specifically designed for this purpose, that will constrain all multipiece rim wheel components following their release during an explosive separation of the wheel components.

(6) Rim manual — a publication containing instruction from the manufacturer or other qualified organization for correct mounting, demounting, maintenance and safety precautions peculiar to the multipiece rim being serviced.

(7) Service or servicing — the mounting and demounting of multipiece rim wheels, and related activity such as inflating, deflating, installing, removing, maintaining, handling or storing of multipiece rim wheels, including inflating and deflating of wheels installed on vehicles.

(8) Service area — that part of an employer's premises used for the servicing of multipiece rim wheels, or any other place where an employee services multipiece rim wheels.

(9) Trajectory — any potential path or route that a lock ring, side ring, rim base and/or tire may travel during an explosive rim separation, and includes paths which may deviate from that perpendicular to the assembled position of the components on the rim base at the time of separation. (See illustration for examples of expected trajectories.)

(10) Wheel — an assemblage of tire, tube, and multi-piece rim components.))

(1) "Barrier" means a fence, wall or other structure or object placed between a single piece rim wheel and an employee during tire inflation, to contain the rim wheel components in the event of the sudden release of the contained air of the single piece rim wheel.

(2) "Charts" means the United States Department of Transportation, National Highway Traffic Safety Administration (NHTSA) publications entitled "Safety Precautions for Mounting and Demounting Tube-Type Truck/Bus Tires" and "Multi-Piece Rim Wheel Matching Chart," or any other publications such as rim manuals containing, at a minimum, the same instructions, safety precautions and other information contained on those charts that are applicable to the types of rim wheels being serviced.

(3) "Installing a rim wheel" means the transfer and attachment of an assembled rim wheel onto a vehicle axle hub. "Removing" means the opposite of installing.

(4) "Mounting a tire" means the assembly or putting together of the wheel and tire components to form a rim wheel, including inflation. "Demounting" means the opposite of mounting.

(5) "Multi-piece rim wheel" means the assemblage of a multi-piece wheel with the tire tube and other components.

(6) "Multi-piece wheel" means a vehicle wheel consisting of two or more parts, one of which is a side or locking ring designed to hold the tire on the wheel by interlocking components when the tire is inflated.

(7) "Restraining device" means an apparatus such as a cage, rack, assemblage of bars and other components that will constrain all rim wheel components during an explosive separation of a multi-piece rim wheel, or during the sudden release of the contained air of a single piece rim wheel.

(8) "Rim manual" means a publication containing instructions from the manufacturer or other qualified organization for correct mounting, demounting, maintenance, and safety precautions peculiar to the type of wheel being serviced.

(9) "Rim wheel" means an assemblage of tire, tube and liner (where appropriate), and wheel components.

(10) "Service" or "servicing" means the mounting and demounting of rim wheels, and related activities such as inflating, deflating, installing, removing, and handling.

(11) "Service area" means that part of an employer's premises used for the servicing of rim wheels, or any other place where an employee services rim wheels.

(12) "Single piece rim wheel" means the assemblage of single piece rim wheel with the tire and other components.

(13) "Single piece wheel" means a vehicle wheel consisting of one part, designed to hold the tire on the wheel when the tire is inflated.

(14) "Trajectory" means any potential path or route that a rim wheel component may travel during an explosive separation, or the sudden release of the pressurized air, or an area at which an airblast from a single piece rim wheel may be released. The trajectory may

deviate from paths which are perpendicular to the assembled position of the rim wheel at the time of separation or explosion. (See Appendix A for examples of trajectories.)

(15) "Wheel" means that portion of a rim wheel which provides the method of attachment of the assembly to the axle of a vehicle and also provides the means to contain the inflated portion of the assembly (i.e., the tire and/or tube).

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21705 EMPLOYEE TRAINING.

(1) The employer shall provide a ((training)) program to train ((and instruct)) all employees who service ((multipiece)) rim wheels in the hazards involved in servicing those multipiece rim wheels and the safety procedures to be followed.

(a) The employer shall assure that no employee services any ((multipiece)) rim wheel unless the employee has been trained and instructed in correct procedures of ((mounting, demounting, and all related services, activities, and correct safety precautions for the rim type being serviced,)) servicing the type of wheel being serviced, and in the safe operating procedures described in WAC 296-24-21711.

(b) Information to be used in the training program shall include, at a minimum, the applicable data contained ((or)) in the charts (rim manuals) and the contents of this standard.

(c) Where an employer knows or has reason to believe that any of his employees is unable to read and understand the charts or rim manual, the employer shall assure that the employee is instructed concerning the contents of the charts and rim manual in a manner which the employee is able to understand.

(2) The employer shall assure that each employee demonstrates and maintains ((his)) the ability to service ((multipiece)) rim wheels safely, including performance of the following tasks:

(a) Demounting of tires (including deflation);

(b) Inspection and identification of the rim wheel components;

(c) Mounting of tires (including inflation ((within)) with a restraining device or other safeguard required by this section);

(d) Use of the restraining device or barrier, and other equipment required by this section;

(e) Handling of rim wheels;

(f) Inflation of the tire(s) when a single piece rim wheel is mounted on ((the)) a vehicle; ((and))

(g) An understanding of the necessity of standing outside the trajectory both during inflation of the tire and during inspection of the rim wheel following inflation; and

(h) Installation and removal of wheels.

(3) The employer shall evaluate each employee's ability to perform these tasks and to service ((multipiece)) rim wheels safely and shall provide additional training as necessary to assure that each employee maintains his or her proficiency.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21707 TIRE SERVICING EQUIPMENT. (1) The employer shall furnish ((and shall assure that employees use)) a restraining device for inflating tires on ((in servicing)) multi-piece ((rim)) wheels.

(2) The employer shall provide a restraining device or barrier for inflating tires on single piece wheels unless the rim wheel will be bolted onto a vehicle during inflation.

(3) Restraining devices and barriers shall comply with the following requirements:

(a) Each restraining device or barrier shall have the capacity to withstand the maximum force that would be transferred to it during ((an explosive)) a rim wheel separation occurring at one hundred fifty percent of maximum tire specification pressure for the type of rim wheel(s) being serviced.

(b) Restraining devices and barriers shall be capable of preventing rim components from being thrown outside or beyond ((the frame of)) the device or barrier for any rim wheel position within or behind the device(-);

(c) Restraining devices and barriers shall be visually inspected prior to each day's use and after any ((explosive)) separation of the rim wheel components ((and any restraining devices exhibiting any of)) or sudden release of contained air. Any restraining device or barrier exhibiting damage such as the following defects shall be immediately removed from service:

(i) Cracks at welds;

(ii) Cracked or broken components;

(iii) Bent or sprung components caused by mishandling, abuse, tire explosion or rim wheel separation; ((or))

(iv) Pitting of components due to excessive corrosion; or

(v) Other structural damage which would decrease its effectiveness.

(d) Restraining devices removed from service ((in accordance with subsection (1)(c) of this section,)) shall not be returned to service until they are ((inspected,)) repaired ((, if necessary,)) and reinspected. Restraining devices or barriers requiring structural repair such as component replacement or rewelding shall not be returned to service until they are certified either by the manufacturer or by a registered professional engineer as meeting the strength requirements of subsection ((1))(3)(a) ((and (b))) of this section.

((2)) A clip-on chuck with a sufficient length of hose to permit the employee to stand clear of the potential trajectory of the wheel components, and an in-line valve with gauge or a pressure regulator preset to a desired value shall be furnished by the employer and used to inflate tires.)

(4) The employer shall furnish and assure that an air line assembly consisting of the following components be used for inflating tires:

(i) A clip-on chuck;

(ii) An in-line valve with a pressure gauge or a presettable regulator; and

(iii) A sufficient length of hose between the clip-on chuck and the in-line valve (if one is used) to allow the employee to stand outside the trajectory.

~~((3))~~ (5) Current charts (rim manuals) containing instructions for the types of wheels being serviced shall be available in the service area.

~~((4))~~ (6) A current rim manual containing instructions for the type of rims being serviced shall be available in the service area.

~~((5))~~ (7) The employer shall furnish and assure that only tools recommended in the rim manual for the type of wheel being serviced are used to service ((the multi-piece)) rim wheels.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21709 WHEEL COMPONENT ACCEPTABILITY. (1) Multi-piece wheel components shall not be interchanged except as provided in the charts, or in the applicable rim manual.

(2) Multi-piece wheel components and single piece wheels shall be inspected prior to assembly. ((Rim bases, side rings or lock rings which are)) Any wheel or wheel component which is bent out of shape, pitted from corrosion, broken or cracked shall not be used and shall be ((rendered unusable and discarded)) marked or tagged unserviceable and removed from the service area. Damaged or leaky valves shall be replaced.

(3) ((Mating surfaces of the rim gutter, rings and tire shall be free of any dirt, surface rust, scale or rubber buildup prior to mounting and inflation)) Rim flanges, rim gutters, rings, bead seating surfaces and the bead areas of tires shall be free of any dirt, surface rust, scale or loose or flaked rubber build-up prior to mounting and inflation.

(4) The size (bead diameter and tire/wheel widths) and type of both the tire and the wheel shall be checked for compatibility prior to assembly of the rim wheel.

AMENDATORY SECTION (Amending Order 80-20, filed 11/13/80)

WAC 296-24-21711 SAFE OPERATING PROCEDURE—MULTI-PIECE RIM WHEELS. The employer shall establish a safe operating procedure for servicing multi-piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

(1) Tires shall be completely deflated before demounting by removal of the valve core.

(2) Tires shall be completely deflated by removing the valve core, before a rim wheel is removed from the axle in either of the following situations:

(a) When the tire has been driven underinflated at eighty percent or less of its recommended pressure; or

(b) When there is obvious or suspected damage to the tire or wheel components.

(3) Rubber lubricant shall be applied to bead and rim mating surfaces during assembly of the wheel and inflation of the tire, unless the tire or wheel manufacturer recommends against it.

(4) ((Tires shall be inflated only when contained by a restraining device, except that when the wheel assembly is on a vehicle, tires that are underinflated but have more than eighty percent of the recommended pressure, may be inflated while the wheel is on the vehicle if remote control inflation equipment is used and no employees are in the trajectory, and except as provided in subsection (5) of this section.

(5) When a tire is being partially inflated without a restraining device for the purpose of seating the lock ring or to round out the tube, such inflation shall not exceed 3 psig (0.21 kg/cm²).) If a tire on a vehicle is underinflated but has more than eighty percent of the recommended pressure, the tire may be inflated while the rim wheel is on the vehicle provided remote control inflation equipment is used, and no employees remain in the trajectory during inflation.

(5) Tires shall be inflated outside a restraining device only to a pressure sufficient to force the tire bead onto the rim ledge and create an airtight seal with the tire and bead.

(6) Whenever a ((tire)) rim wheel is in a restraining device the employee shall not rest or lean any part of his body or equipment on or against the restraining device.

(7) After tire inflation, the tire((,-rim and rings)) and wheel components shall be inspected while still within the restraining device to make sure that they are properly seated and locked. If further adjustment to the tire((,-rim or rings)) or wheel components is necessary, the tire shall be deflated by removal of the valve core before the adjustment is made.

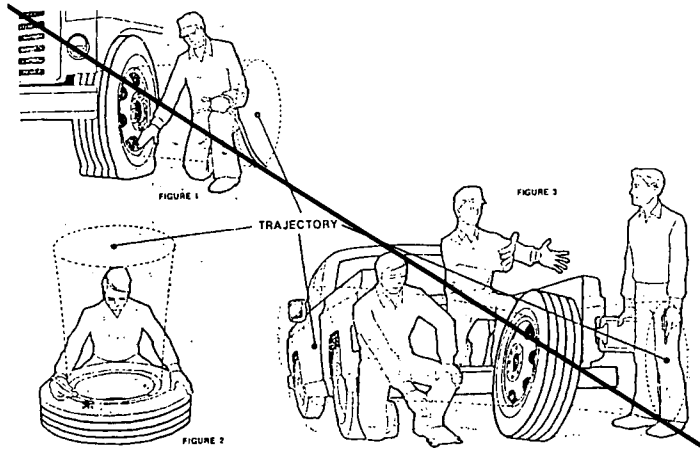
(8) No attempt shall be made to correct the seating of side and lock rings by hammering, striking or forcing the components while the tire is pressurized.

(9) Cracked, broken, bent or otherwise damaged rim components shall not be reworked, welded, brazed, or otherwise heated.

(10) Whenever multi-piece rim wheels are being handled, employees shall stay out of the trajectory unless the employer can demonstrate that performance of the servicing makes the employee's presence in the trajectory necessary.

~~APPENDIX-A
TRAJECTORY
WARNING
STAY-OUT-OF-
THE-TRAJECTORY-AS
INDICATED-BY-SHADED-AREA~~

~~NOTE--Under some circumstances, the trajectory may deviate from its expected path--~~



~~NOTE: ORDERING INFORMATION FOR NHTSA CHARTS~~

~~NHTSA has prepared safety information charts as part of a continuing campaign to alert truck and bus service personnel to the risk involved when working with multipiece truck and bus wheels.~~

~~Individuals who service such wheels may obtain a single copy of each chart, without cost, by writing to the General Services Division/Distribution, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590.~~

~~Reprints of the above mentioned charts are also available through the occupational safety and health administration (OSHA) area offices. The address and telephone number of the nearest OSHA area office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.~~

~~Service establishments and other organizations desiring these charts may order them in any quantity desired from the Superintendent of Documents, Government Printing Office (GPO), Washington, D.C. 20402, at a cost established by the GPO. GPO ordering number for the charts are: Safety Chart - 050-003-00315-8, Cost: \$2.25; Matching Chart - 050-003-00316-6, Cost: \$2.00.)~~

(11) No heat shall be applied to a multi-piece wheel or wheel component.

NEW SECTION

WAC 296-24-21713 SAFE OPERATING PROCEDURE—SINGLE PIECE RIM WHEELS. The employer shall establish a safe operating procedure for servicing single piece rim wheels and shall assure that employees are instructed in and follow that procedure. The procedure shall include at least the following elements:

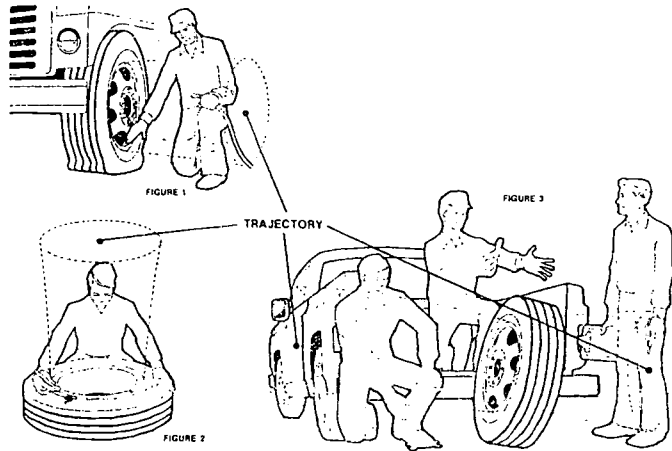
- (1) Tires shall be completely deflated by removal of the valve core before demounting.
- (2) Mounting and demounting of the tire shall be done only from the narrow ledge side of the wheel. Care shall be taken to avoid damaging the tire beads while mounting tires on wheels. Tires shall be mounted only on compatible wheels of matching bead diameter and width.
- (3) Nonflammable rubber lubricant shall be applied to bead and wheel mating surfaces before assembly of the rim wheel, unless the tire or wheel manufacturer recommends against the use of any rubber lubricant.
- (4) If a tire changing machine is used, the tire shall be inflated only to the minimum pressure necessary to force the tire bead onto the rim ledge while on the tire changing machine.
- (5) If a bead expander is used, it shall be removed before the valve core is installed and as soon as the rim wheel becomes airtight (the tire bead slips onto the bead seat).
- (6) Tires may be inflated only when contained within a restraining device, positioned behind a barrier or bolted on the vehicle with the lug nuts fully tightened.
- (7) Tires shall not be inflated when any flat, solid surface is in the trajectory and within one foot of the sidewall.
- (8) Employees shall stay out of the trajectory when inflating a tire.
- (9) Tires shall not be inflated to more than the inflation pressure stamped in the sidewall unless a higher pressure is recommended by the manufacturer.
- (10) Tires shall not be inflated above the maximum pressure recommended by the manufacturer to seat the tire bead firmly against the rim flange.
- (11) No heat shall be applied to a single piece wheel.
- (12) Cracked, broken, bent, or otherwise damaged wheels shall not be reworked, welded, brazed, or otherwise heated.

APPENDIX A
TRAJECTORY

WARNING

STAY OUT OF
THE TRAJECTORY AS
INDICATED BY SHADED AREA

NOTE: Under some circumstances, the trajectory may deviate from its expected path.



Appendix B—Ordering Information for NHTSA Charts

OSHA has reprinted the NHTSA Charts as part of a continuing campaign to alert rim wheel serving personnel of the industry accepted procedures for servicing multi-piece rim wheels.

Reprints of the charts are available through the Occupational Safety and Health Administration (OSHA) Area Offices. The address and telephone number of the nearest OSHA Area Office can be obtained by looking in the local telephone directory under U.S. Government, U.S. Department of Labor, Occupational Safety and Health Administration. Single copies are available without charge.

Individuals, establishments and other organizations desiring multiple copies of these charts may order them from the Publications Office, U.S. Department of Labor, Room N4101, Washington, D.C. 20210. Telephone: (202) 523-9667.

WSR 84-17-100
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF
COMMUNITY DEVELOPMENT
 [Memorandum—August 17, 1984]

The Department of Community Development (formerly the Planning and Community Affairs Agency) will hold a public hearing on the proposed 1985 community services block grant state plan on Thursday, September 13, 1984, at 10:00 a.m. in the Department's Fifth Floor Conference Room of the Ninth and Columbia Building, Olympia, Washington. Two typewritten copies of all oral testimony are requested. There will be a question and answer period.

Written testimony may be submitted until 5:00 p.m. on Wednesday, September 12, 1984, to the attention of Katherine Friedt, Assistant Director for Community Services, Department of Community Development, Ninth and Columbia Building, MS/GH51, Olympia, Washington 98504-4151.

For additional information or a copy of the proposed state plan, contact John Chadwick at (206) 753-4934 or toll-free 1-800-562-5677.

WSR 84-17-101
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed August 21, 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 inpatient hospitalization, amending WAC 388-86-050.

It is the intention of the secretary to adopt these rules on an emergency basis on or about August 20, 1984;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 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 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by September 13, 1984. The meeting site is in a location which is barrier free.

Dated: August 17, 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 388-86-050.

Purpose of the Rule or Rule Change: To cover dental services which require hospitalization.

The Reason(s) These Rules are Necessary: A change in the division's policy to conform to federal Medicaid requirements, 42 CFR 440.10, for inpatient hospital services.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Provides for medically necessary dental services which require hospitalization.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Phone: 3-7316, Mailstop: LK-11.

These rules are necessary as a result of federal law, 42 CFR 440.10.

AMENDATORY SECTION (Amending Order 2011, filed 8/19/83)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted Medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

(2) Certain hospitalization services covered by the program require approval of the medical consultant.

(a) Prior approval for nonemergent hospital admissions;

(b) Retroactive certification and out-of-state care including bordering cities.

(3) The division of medical assistance will certify hospital admission, length of stay and/or services for all recipients.

(4) Department authorization for inpatient hospital care for eligible individuals shall be limited to the number of days established at the 50th percentile in the 1981 edition of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region," unless prior contractual arrangements are made by the department for a specified length of stay (~~((as defined in WAC 388-80-005 and 388-87-013). A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant)).~~ When hospitalization of a recipient exceeds the number of days as limited by this subsection, the hospital shall submit to the local medical consultant a request with adequate justification and signed by the attending physician within sixty days of final service for approval of the extension.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for ~~((AFDC recipients or SSI beneficiaries))~~ categoryically needy and medically needy individuals under age twenty-one and ~~((for all categoryically needy recipients))~~ age sixty-five and older. ~~((Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.))~~

(d) Medicaid payments will be made for care in an approved psychiatric facility for categoryically needy and medically needy individuals under age twenty-one.

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a Medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) ~~((Except for an emergency no))~~ Nonemergent hospital admissions shall not be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

(8) The department covers medically necessary services provided in a hospital in connection with the care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization in connection with the provision of such services. Services covered under this subsection must be furnished under the direction of a physician or dentist.

WSR 84-17-102
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)

[Filed August 21, 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:

Rep ch. 275-18 WAC Drug treatment centers.

Amd ch. 275-19 WAC Alcoholism treatment centers.

Public hearings relating to these proposed rules will be held at the following times and places: 2:00 p.m., Tuesday, October 23, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington; and 9:00 a.m., Thursday, October 25, 1984, in the Auditorium, Spokane County Health District Building, West 1101 College, Spokane, WA.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on November 7, 1984.

The authority under which these rules are proposed is RCW 69.54.040 and 70.96A.090.

The specific statute these rules are intended to implement is chapter 60.54 [69.54] RCW and RCW 70.96A.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 23, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by October 9, 1984. The meeting site is in a location which is barrier free.

Dated: August 14, 1984

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

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Adds new sections, revises chapter 275-19 WAC and repeals chapter 275-18 WAC.

The Purposes of These Rules: To combine chapter 275-18 WAC, Drug abuse treatment standards and chapter 275-19 WAC, Alcoholism treatment standards into one set of regulations and to revise and update various sections of the WAC.

The Reasons These Rules are Necessary: Since the creation of the Bureau of Alcohol and Substance Abuse through combining the Office on Alcoholism and the Office on Drug Abuse Prevention, the bureau has been functioning under two sets of administrative regulations (chapter 275-19 WAC, Standards for alcoholism treatment and chapter 275-18 WAC, Standards for drug abuse treatment). This revision of chapter 275-19 WAC will combine the standards for alcohol and drug treatment facilities into one set of regulations. Over the past two years, seventeen percent of the facilities providing services have requested certification under the standards for both alcohol and drug treatment facilities. Over the past few months approximately fifty percent of the remaining programs have requested certification from both offices. The proposed amendment to chapter 275-19 WAC will reflect the bureau's recognition of the state of the art. The alcohol and drug treatment field over the past year has been moving toward a combination of services. Twenty-nine of thirty-nine county coordinators develop plans for both alcohol and drugs, and have responsibility for monitoring alcohol and drug treatment facilities. The consolidation of the standards will clarify issues relating to both fields. Currently, administrators and therapists in the alcohol and drug treatment field who are treating both kinds of clients, and clients who have both alcohol and drug problems in combination, are subject to both sets of regulations. This results in the development of two different client file systems and two different sets of administrative policies and procedures. The consolidation of alcohol and drug treatment standards will allow programs to have one set of administrative procedures, and allow therapists to use one system of case file management and client recordkeeping standards.

Statutory Authority: Chapters 69.54 and 70.96A RCW.

Summary of the Rule Changes: Allows the same standards to apply to all alcoholism and drug abuse treatment facilities and to facilities which provide both types of treatment services; adds new types of services for alcoholism and drug abuse, and makes the services consistent for alcohol and drug abuse. The new services added for both are extended care recovery house, intensive outpatient, and crisis intervention. Additional services added for drugs are detoxification, intensive inpatient, recovery house, long-term treatment, and information school; clarifies what type of businesses can apply for approval; more clearly defines agency administrative policy and procedure requirements; establishes maximum level of client contact hours per month for counselors. Establishes client-to-staff ratio for residential facilities; establishes counselor training requirements and allows for the certification of qualified drug treatment counselors; consolidates and clarifies clinical and

intake requirements for each type of service; establishes supervisory review requirements for client clinical files; and deletes the information and referral service category.

Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jess McCabe and Ken Harden, Bureau of Alcohol and Substance Abuse, Mailstop OB-44W, Phone: 753-5866.

State Citizen Advisory Committee for Alcoholism, State Citizen Advisory Committee for Drug Abuse.

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

Reviser's note: The material contained in this filing will appear in the 84-18 issue of the Register as it was received after the applicable closing date for this issue for agency typed material exceeding the volume limitations of WAC 1-12-035 or 1-13-035, as appropriate.

WSR 84-17-103
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 21, 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 Drugs—Limitations to payment, amending WAC 388-91-016;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 1984.

The authority under which these rules are proposed is RCW 84.08.090 [74.08.090].

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by September 3, 1984. The meeting site is in a location which is barrier free.

Dated: August 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 388-91-016.

Purpose of the Rule Change: To discontinue requirement of outpatient prescription fills of former patients by hospital pharmacy.

The Reason These Rules are Necessary: Due to reduction of the number of monthly prescriptions and the cost of postage this requirement is no longer cost effective.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: Removes the requirement that outpatient prescription fills of former patients must be sent to the hospital pharmacy.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, Mailstop: LK-11, Telephone: 753-7316.

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

AMENDATORY SECTION (Amending Order 1648, filed 4/27/81)

WAC 388-91-016 DRUGS—LIMITATIONS TO PAYMENT.

(1) The department does not provide:

(a) Nonformulary drugs which can be purchased without a prescription such as: Nose drops, cotton, alcohol, vitamins, simple laxatives, advertised antacids such as but not limited to Tums, Roloids, etc.;

(b) Any drug regularly supplied as an integral part of program activity by other public agencies such as the U.S. Veterans' Administration, U.S. Department of Health and Human Services - Division of Indian Health, local health department, etc.;

(c) Drugs, biologics, supplies, appliances, and equipment furnished by an extended care facility under Title XVIII of the Social Security Act;

(d) Drugs ordered for a hospitalized patient. These are to be furnished by the hospital;

(e) Drugs to individuals who have elected to be enrolled in a special group medical coverage contract which includes the provision of drugs as a part of the contract.

(f) Drugs listed in the federal register as "ineffective" or "possibly effective." Payment will not be made for such prescriptions under any circumstances.

(2) ~~((The department furnishes psychotherapeutic drugs and agents used for treating drug-induced Parkinsonism which are prescribed for eligible former patients of Washington state institutions for the mentally ill and retarded. The attending physician shall mail the prescription, Form 6-02, directly to the institution from which the patient has been discharged. The medication is then mailed by the facility pharmacy to the patient. Payment is not made to pharmacist providers in this situation. Coupon confirming eligibility should be attached.~~

~~((3))~~ Prescribed nonformulary drugs will be allowed for unusual conditions only when approved by the local medical consultant.

~~((4))~~ (3) The physician who provides a drug (oral or by injection) incidental to an office call may include a fee established by the division on the basis of the acquisition cost of the drug in addition to his office call fee. In the event the cost of the drug given the patient exceeds this fee, the physician may include on his invoice for his professional services to the patient the actual cost of the drug indicating name of manufacturer and strength of dosage.

~~((5))~~ (4) Payment shall not be made for a prescription ordered for an individual recipient and used to replace drugs drawn from the doctor's stock for the treatment of such recipient. Payment shall not be allowed for experimental or controversial medications and those unrelated to the above.

WSR 84-17-104
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
[Filed August 21, 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:

Amd WAC 388-86-090 Physical therapy.
Amd WAC 388-87-090 Payment—Physical therapy and related services;

that the agency will at 10:00 a.m., Thursday, September 27, 1984, in the General Administration Building Auditorium, 11th and Columbia, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on October 3, 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 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 27, 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 Office of Administrative Regulations, at State Office Building #2, 12th and Franklin, Olympia, Phone (206) 753-7015, by September 13, 1984. The meeting site is in a location which is barrier free.

Dated: August 17, 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 388-86-090 and 388-87-090.

Purpose of the Rule or Rule Change: To change method of payment for speech and physical therapy provided in a nursing home.

The Reason(s) These Rules are Necessary: Beginning July 1, 1984, speech and physical therapy provided as part of the nursing home treatment program are included in the nursing home reimbursement rate.

Statutory Authority: RCW 74.08.090.

Summary of the Rule or Rule Change: Speech and physical therapy provided as part of the nursing home treatment program may not be billed separately.

Person or Persons Responsible for the Drafting, Implementation and Enforcement of the Rule: Jim Sparks,

Program Manager, Division of Medical Assistance, Phone: 753-7316, Mailstop: LK-11.

These rules are not necessary as a result of federal law.

AMENDATORY SECTION (Amending Order 1685, filed 7/29/81)

WAC 388-86-090 PHYSICAL THERAPY. Physical therapy, other than that provided in a hospital as part of inpatient treatment or in a nursing home as part of a nursing home treatment program, may be authorized only when such therapy:

- (1) Will avoid the need for hospitalization or nursing home care, or
- (2) ~~((Will reduce the length of stay of a recipient in a nursing home, or~~
- ~~((3)))~~ Will assist the recipient in becoming employable, or
- ~~((4)))~~ (3) Is medically indicated in unusual circumstances and is requested by the attending physician and concurred with by the medical consultant, and
- ~~((5)))~~ (4) Is performed by a registered physical therapist or physiatrist and has approval by the local medical consultant.
- ~~((6)))~~ (5) Physical therapy is not provided under the limited casualty program.

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

WAC 388-87-090 PAYMENT—PHYSICAL THERAPY AND RELATED SERVICES. (1) The department will pay for the services of a registered physical therapist or a qualified speech pathologist or audiologist when all conditions outlined in WAC 388-86-012, 388-86-090 and 388-86-098 have been met.

(2) The department will not pay for physical therapy or speech therapy as a separate billing when provided as part of inpatient hospital services.

(3) The department will not pay ~~((a nursing home))~~ for physical therapy or speech therapy as ~~((part of its bill))~~ a separate billing when provided as part of the nursing home treatment program.

WSR 84-17-105
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2143—Filed August 21, 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 inpatient hospitalization, amending WAC 388-86-050.

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 changes are necessary to conform with 42 CFR 440.10. They will also result in substantially improved services to clients.

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

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

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

APPROVED AND ADOPTED August 17, 1984.

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

AMENDATORY SECTION (Amending Order 2011, filed 8/19/83)

WAC 388-86-050 INPATIENT HOSPITAL CARE. (1) The department will provide hospitalization for recipients under age sixty-five and for recipients sixty-five and over who have exhausted Medicare benefits. With exceptions and limitations the recipient will have free choice of hospitalization.

(2) Certain hospitalization services covered by the program require approval of the medical consultant.

(a) Prior approval for nonemergent hospital admissions;

(b) Retroactive certification and out-of-state care including bordering cities.

(3) The division of medical assistance will certify hospital admission, length of stay and/or services for all recipients.

(4) Department authorization for inpatient hospital care for eligible individuals shall be limited to the number of days established at the 50th percentile in the 1981 edition of the publication "Length of Stay in PAS Hospitals, by Diagnosis United States Western Region," unless prior contractual arrangements are made by the department for a specified length of stay ~~((as defined in WAC 388-80-005 and 388-87-013)).~~ A daily list of all recipient inpatients with diagnostic information shall be submitted by the hospital to the local medical consultant. When hospitalization of a recipient exceeds the number of days as limited by this subsection, the hospital shall submit to the local medical consultant a request with adequate justification and signed by the attending physician within sixty days of final service for approval of the extension.

(a) Eligible recipients are covered for involuntary admissions for acute psychiatric conditions up to a maximum of seventeen days under the Involuntary Treatment Act in hospitals certified as evaluation and treatment facilities. If an involuntarily committed recipient reverts to voluntary status, PAS days are computed from day of admission and applied to any period exceeding the mandatory seventeen days. If PAS days are less than seventeen, the maximum of seventeen days will prevail.

(b) No payment will be made for care in a private psychiatric hospital that has not been certified under Title XVIII. Authorization for admission of an eligible individual to a private psychiatric hospital shall be under the same conditions and program limitations as for treatment of psychiatric conditions in a general hospital.

(c) Medicaid payment will be made for care in a state mental institution for ~~((AFDC recipients or SSI beneficiaries))~~ categorically needy and medically needy individuals under age twenty-one and ~~((for all categorically needy recipients))~~ age sixty-five and older. ~~((Other age groups are covered under the Involuntary Treatment Act and/or other state funded programs.))~~

(d) Medicaid payments will be made for care in an approved psychiatric facility for categorically needy and medically needy individuals under age twenty-one.

(5) Hospitalization for the treatment of acute and chronic renal failure shall be provided, except that the department shall pay only deductibles and coinsurance for a recipient who is a Medicare beneficiary and who is hospitalized for such treatment or for kidney transplant.

(6) ~~((Except for an emergency no))~~ Nonemergent hospital admissions shall not be made on Friday or Saturday for scheduled surgery on Monday. The attending physician may admit the recipient on Sunday to accomplish the necessary preoperative work-up.

(7) Approval for hospitalization of a recipient shall be based on the recipient's need for semi-private accommodations and reimbursement made at the multiple occupancy rate regardless of accommodations provided by the hospital. Special rates may be established for recipients covered by the Involuntary Treatment Act. Semi-private accommodations shall mean not less than two nor more than a four-bed room.

(8) The department covers medically necessary services provided in a hospital in connection with the care or treatment of teeth, jaws, or structures directly supporting the teeth if the procedure requires hospitalization in connection with the provision of such services. Services covered under this subsection must be furnished under the direction of a physician or dentist.

WSR 84-17-106

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-115—Filed August 21, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of adult male chinook salmon are available.

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

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

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

APPROVED AND ADOPTED August 20, 1984.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-57-28500F HUMPTULIPS RIVER. Notwithstanding the provisions of WAC 220-57-285, effective September 1, 1984, until further notice, Bag limit A in those waters of the Humptulips River downstream from the Highway 101 Bridge except that chinook salmon over 28 inches in length must be released immediately.

WSR 84-17-107

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 84-116—Filed August 21, 1984]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to personal use rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this regulation prevents over harvest of Puget Sound origin salmon stocks under color of Canadian origin.

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

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

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

APPROVED AND ADOPTED August 20, 1984.

By Russell W. Cahill
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-15600C LANDING OF PERSONAL USE SALMON IN MARINE AREA CODE NUMBER 4. Effective immediately until further notice, it is unlawful to land salmon taken for personal use in any port in Salmon Catch Record Marine (Punch Card) Area 4, except that anglers may land salmon in Area 4 taken from other Washington waters open to salmon angling.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-15600B Landing of Personal Use Salmon in Marine Area Code Number 4. (84-72)

WSR 84-17-108

ADOPTED RULES

THE EVERGREEN STATE COLLEGE

[Order 84-3, Resolution No. 84-20—Filed August 21, 1984]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington, that it does adopt the annexed rules relating to affirmative action policy, WAC 174-109-010 through 174-109-500.

This action is taken pursuant to Notice Nos. WSR 84-08-064 and 84-11-020 filed with the code reviser on April 4, 1984, and May 11, 1984. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 28B.19.050(2).

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED June 6, 1984.

By Richard N. Schwartz
Acting President

Chapter 174-109 WAC
AFFIRMATIVE ACTION POLICY

WAC	
174-109-010	Preamble.
174-109-020	Legal basis of affirmative action program.
174-109-030	Definitions.
174-109-040	Purpose.
174-109-050	Responsibility for implementation.
174-109-060	Policy dissemination.
174-109-070	Hiring procedures.
174-109-080	Goals and timetables.
174-109-090	Corrective employment.
174-109-100	Other policies.
174-109-200	Education and training of campus community.
174-109-300	Academic program and activities policies.
174-109-400	Monitoring, evaluation, and improvement.
174-109-500	Grievance procedures.

NEW SECTION

WAC 174-109-010 **PREAMBLE.** It is the policy of the board of trustees of The Evergreen State College to provide equal opportunity for all employees, prospective employees, students and prospective students. Students and qualified student applicants shall have equal opportunity for admission to the college, and equal access to all academic programs, college services and facilities; employees and qualified applicants who meet the federal definition of protected groups, women, and ethnic

minorities, shall have equal employment opportunity under federal statute and college policy. The college elects to extend equal employment opportunity to other groups and pledges not to discriminate against students or employees on the basis of national origin, religion, marital status, sexual preference, age, handicap, or Vietnam era or disabled veteran status. The board of trustees pledges that they will provide adequate funding and resources necessary for implementation of this policy.

It is the responsibility of each and every member of the college community to ensure that this policy becomes a functional part of the daily activities of The Evergreen State College.

This policy shall form part of the college social contract, the faculty handbook and all other contractual agreements governing employees, other members of the Evergreen community, and all groups and organizations who use campus facilities.

NEW SECTION

WAC 174-109-020 **LEGAL BASIS OF AFFIRMATIVE ACTION PROGRAM.** The historic practice of excluding certain groups from employment and educational opportunity in the United States has resulted in social and economic disparity which has necessitated corrective legislation, both at the federal and state level, including:

(1) State of Washington, Constitution, Article IX, section I, prohibiting discrimination in education on account of race, color, caste or sex and Article XXXI, prohibiting discrimination on account of sex.

(2) State of Washington, chapter 28B.16 RCW, the higher education personnel law.

(3) State of Washington, chapter 49.60 RCW, which prohibits discrimination in employment and public accommodation on the basis of age, sex, race, color, creed, national origin, marital status, or the presence of physical handicap, and establishes the Washington state human rights commission.

(4) State of Washington, Washington Administrative Code, Title 162, the Washington state human rights commission regulations.

(5) State of Washington, Governor's Executive Orders 77-10, 78-1, 79-08, and 81-02, which set forth the policy of nondiscrimination and affirmative action in state employment and state contracts.

(6) State of Washington, chapter 120, Laws of 1983, Minority and Women Business Enterprises.

(7) Federal Civil Rights Act of 1964, including the implementing regulations of the equal employment opportunity commission, and the office of civil rights, prohibiting discrimination in employment because of race, color, religion, sex, or national origin.

(8) Federal Rehabilitation Act of 1973, Section 504, which prohibits discrimination on the basis of handicap in programs receiving federal assistance.

(9) Federal Education Amendments of 1972, Title IX, prohibiting discrimination on the basis of sex in education.

(10) Federal Vietnam Era Veterans Readjustment Action of 1974 which prohibits discrimination because of Vietnam Era or disabled veteran status.

NEW SECTION

WAC 174-109-030 DEFINITIONS. (1) Handicapped persons (federal definition) means any person who (a) has a physical or mental impairment which substantially limits one or more major life activities, (b) has a record of such an impairment, or (c) is regarded as having such an impairment.

(2) Disabled veteran means a person entitled to disability compensation under laws administered by the veterans' administration for a disability rated at thirty per centum or more, or a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty.

The higher education personnel board rule WAC 251-18-130 allows veterans to receive bonus points on civil service examinations during the eight years following the date of release from active service.

(3) Veteran of the Vietnam Era means a person who (a) served on active duty for a period of more than one hundred eighty days, and part of which occurred between August 5, 1964, and May 7, 1975, and was discharged or released therefrom with other than a dishonorable discharge, or (b) was discharged or released from active duty for a service connected disability if any part of such active duty was performed during the Vietnam Era.

The Vietnam Era Veterans Readjustment Action of 1974 protects nondisabled Vietnam Era veterans for forty-eight months after discharge or release from active duty.

(4) Racial/ethnic groups (federal definitions):

(a) American Indian or Alaska Native includes all persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(b) Black (not of Hispanic origin) includes all persons having origins in any of the black racial groups in Africa.

(c) Hispanic includes all persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race. For purposes of data gathering the college separates Hispanic foreign nationals from Chicano/Mexican Americans.

(d) Asian includes all persons having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands.

(e) White (not of Hispanic origin) includes all persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

(5) Protected groups include all persons in subsections (1) through (4)(d) of this section and women.

(6) Third World includes all persons in subsection (4)(a) through (d) of this section.

(7) Sexual harassment is unwanted sexual or sexist contact or communication, submission to which becomes a factor affecting the individual's employment or academic standing, or which creates an offensive or intimidating work or academic environment.

(8) Applicants. An applicant is a person who has completed an application in response to the college initiated recruiting effort.

(9) Corrective employment program. As used in this chapter the term corrective employment program means a program designed to increase the number of employees of a particular protected group in an industry, occupation or place of work in order to correct a condition of underrepresentation of such employees caused by present or past practices, customs, or usages of the employer or others that have limited employment opportunities for members of the affected group.

(10) Appointing authorities. "The following list shall constitute the presidentially designated positions of 'Appointing Authority'."

- | | |
|--|--|
| President | Director of Recreation & Athletics |
| Academic Vice President & Provost | Director of Auxiliary Services |
| Vice President for Business | Director of College Relations & Development |
| Academic Deans | Director of Computer Services |
| Assistant to the President | Director of Cooperative Education |
| Bookstore Manager | Director of Educ. Support Program |
| Controller | Director of Employee Relations |
| Coordinator of Career Planning and Placement | Director of Facilities & Services |
| Coordinator of Media Services | Director of Financial Aid |
| Dean of Student & Enrollment Services | Executive Assistant to the Vice President for Business |
| Dean of Library Services | Registrar |
| Director of Admissions | Security Chief |
- Handwritten notes: "10 of 1 column" with a line through it, and "OK 9/28" next to the list.*

(11) Presidents council. The following list constitutes the members of the "President's Council":

- | | |
|--|---------------------------------------|
| President | Academic Deans |
| Academic Vice President & Provost | Dean of Library Services |
| Vice President for Business | Director of Employee Relations |
| Director of Computer Services | Dean of Student & Enrollment Services |
| Director of College Relations and Development | Assistant to the President |
| Director of Facilities | Controller |
| Director of Educational Support Programs | Director of Auxiliary Services |
| Executive Assistant to the Vice President for Business | Director of Recreation & Athletics |
| S & A Representative | Faculty Representatives |

NEW SECTION

WAC 174-109-040 PURPOSE. To implement this policy, The Evergreen State College has adopted an affirmative action program as described in these sections.

NEW SECTION

WAC 174-109-050 RESPONSIBILITY FOR IMPLEMENTATION. (1) The president of The Evergreen State College is responsible to the board of trustees and to the Evergreen community for implementation of the affirmative action policy, and for recommending the resources necessary to make the policy productive and effective.

(2)(a) The affirmative action officer will report directly to the president. The affirmative action officer is responsible to the president, and will be responsible for and assure compliance with this policy, and federal and state laws prohibiting discrimination and promoting equal opportunity. The affirmative action officer shall receive, investigate, and pursue fully all complaints and

grievances involving violation of this policy, in accordance with the grievance procedures described in this policy.

(b) The affirmative action officer shall:

(i) Design and administer reporting systems to measure the effectiveness of this policy and to chart affirmative action achievements for the Evergreen campus as a whole, which shall be derived from individual reports from each campus;

(ii) Prepare and submit reports to appropriate state and federal agencies;

(iii) Maintain resource material and an up-to-date listing of all agencies and organizations dealing with women and Third World people, these files will be used for recruitment purposes;

(iv) Advise the college community of changes that affect the affirmative action policy on at least an annual basis;

(v) Initiate and disseminate suggestions for training programs as described in the education and training section of this policy;

(vi) Coordinate reporting efforts as outlined in the monitoring, evaluation and improvement section of this policy;

(vii) Consult with the affirmative action committee on nonroutine matters relating to the policy itself, compliance problems, and new and continuing affirmative action grievances. The affirmative action officer will propose the agenda for these meetings to the president, who will call the committee into session.

(3)(a) The affirmative action committee will consist of: The members of the president's council (see definitions), two classified staff members elected by the staff and five students selected by the president, including two women students and two Third World students, at least one of whom shall be a representative of the Third World coalition. The president or his/her designee will chair the affirmative action committee.

(b) The affirmative action committee shall:

(i) Meet at the request of the president and in consultation with the affirmative action officer to hear and resolve nonroutine affirmative action policy issues;

(ii) Meet annually at the request of the president to receive an annual report from the affirmative action officer on unit progress toward meeting the goals of the affirmative action policy and to recommend corrective action where indicated;

(iii) Plan and sponsor an affirmative action education program as described in the education and training of the campus community section of this policy.

(4) The director of employee relations in cooperation with the affirmative action officer is responsible for informing the appropriate appointing authority and the chairperson of each employee selection committee about the relevant affirmative action policy and reporting procedures in matters of employee selection. The appointing authority and the selection committee chairperson are responsible for initiating this exchange of information. The director of employee relations is also responsible for consultation, counseling and identifying training programs for the upward mobility of classified and exempt staff including Third World people and women.

(5) The provost shall ensure that annual progress is made towards affirmative action goals in the area of faculty hiring, and that curriculum planning, teaching assignment, resource allocation, faculty evaluation, library development, and the evaluation process reflect affirmative action principles.

(6) The vice president for business and his/her designees shall ensure that the college complies with the requirements of chapter 120, Laws of 1983, concerning the participation of minority and women's business enterprises in the purchase orders of the college, public works contracts, and the selection of architectural and engineering services.

(7) The purchasing agent shall comply with all provisions of the Minority and Womens' Business Act, and shall make this information available to all persons who make purchases for the college.

(8) The dean of student and enrollment services shall ensure that admission, registration, financial aid, counseling, health services, academic advising, career planning, student activities and day care services support the admission, retention and graduation of students in accordance with the college's affirmative action policy.

(9) The director of admissions is responsible for coordinating student recruiting efforts to attract student applicants from protected groups so that the student population of Evergreen shall parallel the population of Washington State.

(10) All appointing authorities (see definitions) shall be responsible for implementation of this policy in their units, and shall provide an annual affirmative action report as specified in the monitoring, evaluation and improvement section of this policy.

NEW SECTION

WAC 174-109-060 POLICY DISSEMINATION. The affirmative action officer will disseminate a summary of the affirmative action policy statements to:

(1) All college offices will have copies of this policy and the summary statement available to disseminate to the following: New employees; new students; contractors and vendors from whom the college purchases goods and services; organizations or business establishments with which the college has internship agreements; and representatives of off-campus persons or groups that schedule the use of college facilities for conferences, conventions or other activities.

(2) The affirmative action officer will ensure publication of affirmative action policy statements in the catalog and the faculty handbook and, at least once annually, in the Cooper Point Journal.

(3) Admissions recruiters will inform potential applicants about the policy during recruiting activities.

(4) Federal affirmative action posters and copies of this affirmative action policy will be displayed continuously on the bulletin board in the affirmative action office and office of employee relations.

(5) College management representatives to employee organizations contract negotiations will insure that any collective bargaining agreements covering members of the college faculty and/or staff provide for incorporation of this policy.

(6) The college administration will incorporate appropriate affirmative action provisions in all its annual budget goals and objectives statements. Action provisions in all its goal statements.

NEW SECTION

WAC 174-109-070 HIRING PROCEDURES. Evergreen conducts many kinds of hiring procedures: Classified, exempt, faculty, temporary, contractual and student are included. The affirmative action aspects of these are as follows:

(1) Classified employees. The procedures for appointing classified employees are established largely by the higher education personnel board (HEPB) and are implemented through the office of employee relations. In accordance with the affirmative action guidelines developed by the HEPB and the human rights commission, the employment procedure includes the following factors:

- (a) Use of affirmative action waiting lists (continuously updated) in advertising all job vacancies;
- (b) Use of nondiscriminatory wording of job announcements and selection procedure;
- (c) When recommended, use of corrective employment procedures (see definitions); and
- (d) Compilation of affirmative action statistics and documentation of progress, or lack thereof, towards affirmative action goals.

(2) Exempt employees. The appointing authority, or chair of the search committee, for exempt positions will confer with affirmative action officer upon undertaking the search, using the checklist of affirmative action procedures developed for that purpose, available at the affirmative action office. The appointing authority, and selection committee chair, in consultation with the affirmative action officer, shall develop: Recruiting and advertising methods that generate candidates from protected groups; job descriptions; and a time frame for the search. The selection committee will be representative of the college community, including members from protected groups. At this point the affirmative action officer will certify in writing that the search will proceed, or in consultation with the appointing authority, request corrective employment procedures. Failure to comply with these requirements will necessitate reopening the search. The affirmative action officer will provide forms for use in tracking each applicant and will compile and maintain a file of these forms as they are completed for each applicant.

(3) Faculty employees. Faculty hiring at The Evergreen State College is the responsibility of the provost, and whomever may be delegated to participate in that process. At the beginning of each selection process, those delegated shall meet with the affirmative action officer to acquire information on affirmative action procedures, using the checklist of affirmative action procedures developed for that purpose, available in the affirmative action office. Those delegated, in consultation with the affirmative action officer, shall develop: Recruiting and advertising methods that generate candidates from protected groups; job description; and a time frame for the search. At this point, the affirmative action officer shall

certify in writing that the search will proceed, or ask for corrective employment measures, as appropriate. The affirmative action officer will supply forms to the appointing authority for use in tracking each applicant, and will compile and maintain a file of these forms as they are completed for each applicant. If necessary to achieve affirmative action goals in the area of faculty hires, those delegated and the affirmative action officer will request the use of corrective employment procedures. Failure to comply with these requirements will necessitate reopening the search.

(4) Student employees. The affirmative action office supplies a form to all employers of students on campus which allows applicants to volunteer affirmative action data. This information will be included in the appointing authority's annual report. Each student position must be posted in the office of student financial aid. Each paid student internship must be on file in the office of cooperative education. These positions must be posted for at least one week or until a minimum of three students are interviewed for the positions.

(5) Temporary employees, adjunct faculty, dean and staff rotation appointments. While individuals in these categories are appointed for limited periods of time and for particular tasks, any appointments made in this manner must be in accordance with the tenets of the affirmative action policy. The affirmative action officer will review announcements, schedules, committee memberships, rating criteria, and applicant pools for affirmative action adequacy.

(6) Handicapped applicants. When a job applicant voluntarily self-identifies as handicapped, no inquiry as to the nature or severity of the handicap may be made during the initial rating process. If the applicant becomes a finalist, inquiry may be made concerning specific ability to perform essential job functions. The appointing authority must be prepared to make reasonable accommodations for a qualified handicapped applicant who can perform the essential functions of the position, and may not take into account, in the hiring decision, the fact that such accommodations are necessary. Reasonable accommodations may include making facilities used by employees readily accessible to handicapped persons, job restructuring, part-time or modified work schedules, acquisition or modification of equipment or devices, and other similar actions.

NEW SECTION

WAC 174-109-080 GOALS AND TIMETABLES. Evergreen is committed to achieving and maintaining a richly mixed multi-ethnic student body, faculty and staff. In order to assure our progress toward this end, the college establishes goals to measure achievement. Short-term goals measure our expectations while long-term goals measure our aspirations. A four-year cycle is established to measure short-term goals because it best includes the largest part of the Evergreen community.

The administrators of the college commit themselves to every possible effort to set short term student and employment goals and meet those goals by June 30, 1988. In employment areas where goals of the previous

affirmative action policy (3/5/76) have been met or exceeded, affirmative action participation will be maintained at or above those goals. The following table provides a frame of reference for developing short-term goals within each unit of the college. Percentages expressed are percentages of the total student population or Evergreen work force.

Category ¹	Avail-ability ²	Current	4 year Goals	Long term Historical Goals
Third World students	10%	10%	Each appointing authority shall be required to set his/her own 4 year goal. Progress towards this goal shall be reported annually to the Affirmative Action Committee	25%
Women students	50%	51%		50%
Third World administrators	7%	12%		15%
Women administrators	33%	41%		45%
Third World faculty	9%	14%		25%
Women faculty	26%	32%		50%
Third World professionals	7%	12%		15%
Women professionals	45%	56%		45%
Third World clerical workers	5%	10%		15%
Women clerical workers	78%	87%		45%
Third World technical workers	8%	13%		15%
Women technical workers	48%	33%		45%
Third World craft workers	5%	5%		15%
Women craft workers	5%	0%		25%
Third World service workers	7%	36%		15%
Women service workers	40%	16%		45%

¹Composition of these categories by position is available from the affirmative action office.
²Based on 1983 availability statistics described below.

In addition to staffing pattern goals by job category as established in this section, the college recognizes as a long term historical goal the achievement of staffing patterns which provide at least fifteen percent Third World people and forty-five percent women in each unit under the direction of its appointing authority. Progress towards this goal will be evaluated on an annual basis. Further, the policy recognizes that the college has established one category to measure goals for all Third World people and that Third World women are counted as women and as Third World. Where one or more protected group (see definition) is under-utilized, it is the responsibility of the appointing authority to take steps necessary to correct such disparity.

Affirmative action will be exercised by the appointing authority in order to make progress toward our long range goals. Corrective employment procedures will be authorized by the affirmative action officer in all cases where there is an under-utilization according to availability statistics within an organizational unit or job classification.

An important long-term goal of the college is the creation of an atmosphere of mutual respect and appreciation for the cultural diversity within the Evergreen community. An equally important long-term goal is the maintenance of the enrollment and employment levels that are greater than the percentages expressed through "availability statistics" for each of the categories listed in the preceding table. Availability statistics will be drawn from the following geographic areas:

- (a) Students – Washington state
- (b) Administrators and faculty – National
- (c) Professional, technical, clerical, craft and service workers –
 Sixty percent Pierce and King counties
 Forty percent Thurston, Mason, Lewis and Grays Harbor counties.

NEW SECTION

WAC 174-109-090 CORRECTIVE EMPLOYMENT. (1) Purpose. "Corrective employment" (see definition) is a general term for the policy that establishes a legal framework in which to undertake various affirmative action hiring options. These efforts will vary according to the hiring involved, whether for classified staff, exempt, or faculty positions.

Corrective employment is the means by which the college will correct under-utilization of members of protected groups.

(2) Authority. The Evergreen State College is required by Washington Executive Order 79-08 to develop and maintain an affirmative action program in accordance with the regulations developed by the office of federal contract compliance pursuant to Executive Order 12246.

Higher education personnel board (HEPB) WAC 251-18-390, corrective employment programs, and regulations of the Washington state human rights commission (WSHRC), chapter 162-18 WAC define and authorize the use of corrective employment programs. Each of these authorities provides for the use of selective certification in the referral and selection of persons of the under-represented groups.

(3) Determination of need for corrective employment. Evergreen maintains a computerized workforce roster which lists each employee by race, sex, handicapped and veteran status, salary level and occupational classification.

Using information from the United States Census and Labor Market Information published by the Washington state employment security department, the affirmative action officer biennially compiles availability statistics for each occupational classification and identifies areas of under-utilization. Determinations of under-utilizations in employment, internal and historical trends of college employment, and comparisons between the data and the college's affirmative action goals are all included in the affirmative action annual report.

When this data shows that an under-utilization exists (according to federal definition) in the classified staff area, the affirmative action officer and the appointing authority will recommend that the director of employee relations utilize corrective employment procedures.

To determine whether to fill a faculty or exempt position by means of corrective employment, the appropriate dean or appointing authority, in consultation with the affirmative action officer, will compare the national availability statistics with the college's affirmative action goals.

(4) Responsibility. The Evergreen affirmative action policy, chapter 174-109 WAC assigns overall responsibility of the implementation to the president. It is the responsibility of the affirmative action officer to analyze, evaluate and monitor the institution's success or lack of success in achieving its goals and timetables, and to determine the need for corrective employment efforts. Deans, appointing authorities, and vice presidents have the responsibility for meeting the college's affirmative action goals and commitments in their assigned area. The director of employee relations is authorized to use corrective employment in those equal employment opportunity categories and groups in which an under-utilization of protected group members has been determined.

(5) Components of the program. Provisions included in this corrective employment program include authorization for:

(a) Ascertain the race, sex and handicap status of applicants.

(b) Use of knowledge of the candidate's race, sex, and handicap in the referral or selection process.

(c) Maintaining all applications submitted by members of protected groups to insure contact with such members when employment opportunities become available.

(d) Use of specially qualified persons or organizations to reach persons of protected groups.

(e) Use of in-training appointments to employ persons who possess potential for successful performance in specific positions.

(f) Use of other procedures such as selective certification or selective recruitment that are appropriate to correct the particular conditions at which the program is directed.

NEW SECTION

WAC 174-109-100 OTHER POLICIES. (1) Racial and sexual harassment prohibited: The college prohibits racial and sexual harassment on college property. While it is the responsibility of supervisors to intervene in circumstances of racial or sexual harassment, it is also the responsibility of each and every member of the college community to intervene and/or report to the affirmative action officer all instances of racial or sexual harassment.

(2) Reduction in force: It is the policy of the college that, in the event that circumstances require a reduction in force, existing campus-wide affirmative action employee ratios will to the extent permitted by law be protected. Classified layoffs, exempt terminations, and faculty terminations should be balanced to provide an affirmative action ratio similar to the ratios existing campus-wide prior to such a reduction in force.

(3) File retention: The complete application file of every applicant for a position shall be retained by the director of employee relations for classified positions and by appointing authorities in the case of faculty and exempt positions for a period of at least three years.

NEW SECTION

WAC 174-109-200 EDUCATION AND TRAINING OF CAMPUS COMMUNITY. Recognizing that prejudicial discriminatory attitudes and behavior are historically and systemically produced, this policy envisions sustained and multiple efforts to dispel them from the college community. All faculty and staff are expected to participate in regular college-sponsored programs to increase cross-cultural and interracial understanding and mutual tolerance between all groups and individuals. Other interested members of the Evergreen community are welcome to attend these programs.

(1) Training. All appointing authorities, in consultation with their staffs and the affirmative action officer, shall prepare specific goals and objectives for affirmative action to include training programs addressed to the special characteristics of the tasks involved in their areas of responsibility. Such programs shall specify how personnel will be trained to implement this policy in their daily work assignments. Staff shall be given release time to attend this training. Evaluations of the effectiveness of such training programs shall be included in the appointing authorities' annual report.

(2) Education. In addition, the affirmative action committee, in consultation with the affirmative action officer and other interested parties shall design and implement an education program for each academic year, not later than August first of each year. Program activities shall provide multiple affirmative action educational opportunities for all members of the college community. The education program shall be designed to promote appreciation and recognition of cultural diversity on the part of all members of the college community and shall not depend on one or two events each year. It is the responsibility of all appointing authorities to assure that employees in their areas are able to attend program activities.

(3) The affirmative action committee and the affirmative action officer shall be responsible for evaluating the programs mandated herein, with the aid of such consultants as they deem appropriate. Evaluations of, and recommendations for the improvement of such programs shall be included in the annual affirmative action report of the committee to the board of trustees.

NEW SECTION

WAC 174-109-300 ACADEMIC PROGRAM AND ACTIVITIES POLICIES. (1) Equal opportunity. No classes, courses of study or other educational programs and activities offered by the college will be closed to anyone because of race, color, national origin, sex, marital status, sexual preference, religion, age, handicap, Vietnam Era or disabled veteran status.

(2) Cultural bias. The college seeks to eliminate cultural bias and stereotyping in testing, counseling, advising, academic instruction and evaluation procedures.

(3)(a) Handicap accessibility. The college is committed to providing accessible education, maintaining an accessible campus, and providing auxiliary aids through the office of handicapped access and services. Concerns about handicapped access will be addressed to the planning office.

(b) If the handicapped person is a student, the right to an accessible education will be balanced, in situations involving mental/emotional handicaps, with the rights of other students to participate in an orderly educational process.

(4) It is the responsibility of the provost, academic deans and members of the faculty to develop and implement a culturally, racially, ethnically diverse curriculum.

NEW SECTION

WAC 174-109-400 MONITORING, EVALUATION, AND IMPROVEMENT. (1) This section has two purposes:

(a) To provide for data collection and reporting; and

(b) To establish procedures for evaluating institutional progress and individual performance of all faculty and staff as it relates to the affirmative action policy.

(2) The affirmative action officer will receive reports from the persons enumerated below and such other college officials as he/she may request to provide information, prepare digests, summaries and/or interpretations in sufficient detail to fulfill the information requirements of the president, board of trustees, or other authorities named in this program; and prepare college reports to external bodies such as the higher education personnel board, governor's committee or affirmative action, etc.

(3) The following persons will provide information to the affirmative action office as indicated.

(a) The director of employee relations will report annually on upward mobility within the college workforce, and will provide quarterly reports concerning applications received, number of persons hired, number of persons receiving training, number of persons promoted, number of persons transferred, number of persons terminated, starting salary of new employees and employee turnover rates, all by race and sex, veteran and handicapped status.

(b) The provost or his/her designees will report annually on affirmative action progress in faculty hiring, and the development of cultural literacy in the areas of curriculum planning, teaching assignment, resource allocation, and library development.

(c) The vice president for business or his/her designees will supply contract compliance data as it is generated, and will report quarterly on the dollar amount of goods and services contracts awarded, including the percentages awarded to minority and women-owned businesses.

(d) The registrar will provide quarterly reports of student enrollment by race and sex.

(e) The admissions staff will compile quarterly data on student applications that self-identify concerning race, sex, and handicap.

(f) The financial aid staff will provide annual data on awards by race and sex.

(g) Cooperative education staff will provide quarterly reports reflecting participation in internships by race and sex.

(h) Housing staff will provide quarterly reports indicating student occupancy ratios by race and sex.

(i) The office of institutional research staff will provide an annual report tracking Third World student retention.

(4) In addition, each official named in subsection (3) of this section, shall include in her/his reports the number of occasions in which performance evaluations have included a finding of probable cause to believe discrimination has taken place or failure to perform obligations imposed by provisions of this program, together with the corrective actions implemented in each case. (This includes faculty and staff.) The affirmative action officer shall include a digest of such reports in his/her reports to the president and board of trustees, together with recommendations with regard to the need for new policies and/or corrective actions.

(5) All members of the Evergreen community are required to abide by the provisions of this policy as a condition of remaining a member of the community. Every Evergreen employee shall be evaluated with respect to performance obligations under this policy, as a regular part of the established annual evaluation process. In every case of a negative evaluation, the evaluation shall state what corrective action has been required. Subsequent evaluations shall specifically address the question of whether there has been improvement in the employee's performance in this regard. Continued negative evaluations shall constitute grounds for terminating the employee's membership in the Evergreen community. College officials shall report instances where a finding of probable cause that discrimination has occurred among students to the affirmative action officer and the campus adjudicator.

NEW SECTION

WAC 174-109-500 GRIEVANCE PROCEDURES. A person who believes she/he has received prejudicial discriminatory treatment within the Evergreen community because of race, color, national origin, sex, marital status, sexual preference, religion, age, handicap, Vietnam Era or disabled veteran status is urged to utilize the grievance procedures provided by the college through the affirmative action office. This policy also seeks to protect complaining parties from any retaliation which might result from the resolution of complaints. Although the procedure for taking action when probable cause exists varies depending on a person's membership in the campus community, the procedures leading to that action are the same. This policy however, cannot substitute for personal integrity and professional ethics in the Evergreen community. Members of the Evergreen community who come into conflict on issues of discrimination and retaliation must first make a determined effort to resolve problems between themselves in a constructive and mutually agreeable manner. If the situation remains unresolved, a complainant (the person

making the complaint) or a respondent (the person complained about) may contact the affirmative action office for the purposes of policy clarification, informal discussion, advice and assistance. These contacts will be kept confidential.

(1) Informal resolution. The complainant should contact the affirmative action officer to discuss the complaint. The affirmative action officer may appoint a third-party mediator if the parties fail to agree upon one, or the affirmative action officer may serve as mediator if agreeable to both parties. Third-party mediation is deliberately left unstructured; this allows the mediator the widest possible latitude. The mediator may, at his/her option, adopt any rules or procedures necessary to insure compliance with due process and to obtain orderly resolution of conflict. Within five working days of the conclusion of mediation, the mediator shall send a summary statement of the nature of the conflict to the affirmative action committee through the president's office. Copies will be sent to the disputants and the respondent's supervisor. Mediation shall be concluded within ten working days of the initial request for mediation. When a formal complaint is held following conclusion of informal resolution, the hearing shall be conducted without any reference to the informal resolution report.

(2) Formal complaint.

(a) Filing a complaint. Any person may begin formal grievance procedure concerning discrimination or retaliation by any person or unit of the college, by filing a written description of the alleged violation of this policy with the affirmative action office. The affirmative action officer will provide forms for this purpose. Statements should be detailed, accurate and truthful, and must include a suggested resolution.

(b) Notification of principals. Receipt of the complaint will be acknowledged in writing by the affirmative action officer. The respondent will be informed within three working days by the affirmative action officer of the nature and substance of the complaint. Following a face-to-face discussion with the respondent, the affirmative action officer shall send a copy of the written complaint to the respondent following the personal contact, also within three working days of the filing.

(c) Information gathering. It shall be the responsibility of the affirmative action officer to solicit and compile information about the complaint during a period not to exceed ten working days. Both the complainant, and the respondent may choose to name a representative to participate in the proceeding; may suggest witnesses to be interviewed; and may submit informational documents and/or statements.

The affirmative action officer may also solicit information and/or documentation from other units or individuals, as appropriate. The affirmative action officer will make every effort to conduct interviews with witnesses and other parties at times which are convenient for the participation of parties and/or representatives. A verbatim record of these interviews shall be obtained and made available to parties and representatives.

It is the responsibility of all people involved in the information-gathering process to seek out and/or provide

truthful and complete information, to remain impartial, and to maintain confidentiality.

(d) Deliberations. Within five working days after the conclusion of the information gathering, the affirmative action officer shall write a factual summary of the information gathering efforts. This summary will not contain opinion or conclusions, and will remain confidential.

Within five working days after the summary has been written, the affirmative action officer and the parties and/or representatives shall meet to determine whether there is consensus as to the facts, and to discuss any possible resolutions of the problems. A verbatim record of this discussion shall be obtained. Participants are under a duty of good faith to seek consensus and resolution. The summary may be amended to reflect any new information that is obtained, or to reflect consensus and resolution.

(e) Decision-making. If no consensus and resolution have been found, the affirmative action officer will, within five working days after the meeting to find consensus and resolution has been concluded, consult with the president, the affirmative action committee, and the appointing authorities of the principals, or the campus adjudicator if students are involved, and then write a report to include the following:

(i) A summary of the deliberations.

(ii) A conclusion concerning probable cause to believe discrimination has taken place, or the lack thereof.

(iii) A recommended remedy.

These findings will be forwarded to the principals, the president, the affirmative action committee and the appointing authorities of the principals, or the campus adjudicator if students are involved.

(f) Action. If probable cause has taken place, action will be taken as follows:

(i) Student as respondent: The campus adjudicator will take action in accordance with the social contract and established guidelines.

(ii) Classified staff as respondent: The appointing authority will take action based on HEPB rules.

(iii) Faculty as respondent: The academic dean and provost will take action in accordance with faculty handbook guidelines.

(iv) Exempt staff as respondent: The appointing authority takes action.

(g) Appeals. Within thirty calendar days of receiving the findings, either the complainant or the respondent may request a hearing before the board of trustees by submitting a written request. Such an appeal may only be accepted if the appellant participated in mediation and in the hearing. The appeal may include only information entered into the hearing record. No new material may be offered during the appeal hearing. The decision may be challenged if it:

(i) Is clearly erroneous in view of the entire record as submitted;

(ii) Is arbitrary or capricious;

(iii) Is beyond jurisdiction of Evergreen (i.e., is covered by federal, state, local statutes);

(iv) Is contrary to usual practice at Evergreen.

Should the trustees not agree to a hearing, the decision

is final on campus, and shall be implemented within ten working days.

A person who believes she/he has been the subject of discrimination may choose to consult an attorney regarding civil redress, or may choose to file a discrimination grievance with the following agencies:

Washington State Human
Rights Commission
402 Evergreen Plaza Building
7th and South Capitol Way
Olympia, WA 98504

Office of Civil Rights
Department of Health, Education
and Welfare
Arcade Plaza Building MS 508
1321 Second Avenue
Seattle, WA 98101

Equal Employment Opportunity
Commission
414 Olive Way
Time Square Building
Fourth Floor
Seattle, WA 98101

WSR 84-17-109

NOTICE OF PUBLIC MEETINGS

WESTERN WASHINGTON UNIVERSITY

[Memorandum—August 16, 1984]

The board of trustees of Western Washington University will hold a special meeting on Friday, August 24, 1984, at 9:30 a.m. in Old Main 340 on the Western campus.

WSR 84-17-110

PROPOSED RULES

NUCLEAR WASTE BOARD

[Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Nuclear Waste Board intends to adopt, amend, or repeal rules concerning regular meetings of the Nuclear Waste Board;

that the agency will at 1:00 p.m., Friday, October 19, 1984, in the EFSEC Hearings Room, Rowsix, Building 1, 4224 Sixth Avenue, Lacey, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.200.070 and 42.30.070.

The specific statute these rules are intended to implement is chapter 43.200 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 19, 1984.

Dated: August 21, 1984

By: Jay J. Manning
for Chair

STATEMENT OF PURPOSE

The title of the rule is "regular meetings of the Nuclear Waste Board." The rule establishes the time and place of the regular monthly meetings of the Nuclear Waste Board.

The statutory authority for adopting the rule is found in RCW 43.200.070 and 42.30.070. This rule implements chapter 43.200 RCW.

The rule states the regular meetings will be held on the third Friday of each month at 1:00 p.m., unless that day is a state holiday, in which case the meeting is held on the next business day at the same time. It also states the meetings will be held at the Energy Facility Site Evaluation Council Hearings Room, Rowsix, 4224 Sixth Avenue S.E., Lacey, Washington, Building 1. Establishing a regular time and place for board meetings is necessary to ensure maximum public involvement in the board's activities.

The Nuclear Waste Board has delegated the administrative duties to the High-Level Nuclear Waste Management Office of the Department of Ecology. David W. Stevens, program director of the office, is designated as executive secretary of the board and is responsible for the drafting and implementation of rules. His office is located at 5826 Pacific Avenue, Lacey, Washington. The telephone number of the office is (206) 459-6670.

The rule is being proposed by the Nuclear Waste Board which is a governmental body of the state of Washington.

The rule is not required as a result of federal law or federal or state court action.

The rule has no small business economic impact.

Chapter 335-07 WAC

REGULAR MEETINGS

WAC

335-07-010 Regular Meetings

NEW SECTION

WAC 335-07-010 REGULAR MEETINGS. Pursuant to RCW 43.200.070 and 42.30.070, regular meetings of the Nuclear Waste Board shall be held on the third Friday of each calendar month at 1:00 p.m. unless that day is a state holiday in which case the meeting shall be held on the next business day at the same time. Said meetings shall be held at the Energy Facility Site Evaluation Council Hearings Room, Rowsix, 4224 Sixth Avenue, S.E., Lacey, Washington.

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 84-17-111

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Washington State Department of Licensing intends to

adopt, amend, or repeal rules concerning the adoption of the Uniform Disciplinary Act, chapter 279, Laws of 1984;

that the agency will at 10:00 a.m., Wednesday, September 26, 1984, in the Quince Street Test Center, 1300 Quince Street, 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 section 48, chapter 279, Laws of 1984.

The specific statute these rules are intended to implement is section 48, chapter 279, Laws of 1984.

Dated: August 20, 1984

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Purpose: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.108 RCW.

Summary: WAC 308-51-190, Uniform Disciplinary Act adoption.

Statutory Authority: Section 48, chapter 279, Laws of 1984.

Reason Proposed: The adoption of the Uniform Disciplinary Act will enhance the board's ability to protect the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Assistant Administrator, 234-1150 scan, 753-1150 comm; and Yvonne Braeme, Executive Secretary, 234-0776 scan, 753-0776 comm, 1300 Quince Street S.E., Olympia, WA 98504.

Proponents: The subject matter of this rule hearing has been proposed by the director of the Washington State Department of Licensing.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-51-190 UNIFORM DISCIPLINARY ACT. The Director of the Department of Licensing elects to adopt the Uniform Disciplinary Act, Sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.108 RCW effective August 1, 1985.

WSR 84-17-112
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the

Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning the adoption of the Uniform Disciplinary Act, chapter 279, Laws of 1984;

that the agency will at 9:00 a.m., Wednesday, September 26, 1984, in the Testing Center, 1300 Quince Street, 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 section 29, chapter 279, Laws of 1984.

The specific statute these rules are intended to implement is section 29, chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1984.

Dated: August 20, 1984

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Purpose: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.29 RCW.

Summary: WAC 308-25-200, Uniform Disciplinary Act adoption.

Statutory Authority: Section 29, chapter 279, Laws of 1984.

Reason Proposed: The adoption of the Uniform Disciplinary Act will enhance the Department of Licensing's ability to protect the public.

Responsible Departmental Personnel: In addition to the director, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Assistant Administrator; and Linda McCue, Executive Secretary, 1300 Quince Street S.E., Olympia, WA 98504, 234-1150 scan, 753-1150 comm.

Proponents: The subject matter of this rule hearing has been proposed by the Director of Licensing.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-25-200 UNIFORM DISCIPLINARY ACT. The director elects to adopt the Uniform Disciplinary Act, Sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.29 RCW effective August 1, 1985.

WSR 84-17-113
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the

Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning the adoption of the Uniform Disciplinary Act, chapter 279, Laws of 1984, adding new section WAC 308-34-100;

that the agency will at 9:30 a.m., Wednesday, September 26, 1984, in the Quince Street Test Center, 1300 Quince Street, Olympia, 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 section 34, chapter 279, Laws of 1984.

The specific statute these rules are intended to implement is section 34, chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1984.

Dated: August 20, 1984

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Purpose: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.36 RCW.

Summary: WAC 308-34-100, Uniform Disciplinary Act adoption.

Statutory Authority: Section 34, chapter 279, Laws of 1984.

Reason Proposed: The adoption of the Uniform Disciplinary Act will enhance the board's ability to protect the public.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Assistant Administrator, 234-1150 scan, 753-1150 comm; and Yvonne Braeme, Executive Secretary, 234-0776 scan, 753-0776 comm, 1300 Quince Street S.E., Olympia, WA 98504.

Proponents: The subject matter of this rule hearing has been proposed by the director of the Washington State Department of Licensing.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-34-100 UNIFORM DISCIPLINARY ACT. The director of the department of licensing elects to adopt the uniform disciplinary act, sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.36 RCW effective August 1, 1985.

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 84-17-114 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning the adoption of the Uniform Disciplinary Act, chapter 279, Laws of 1984;

that the agency will at 11:30 a.m., Wednesday, September 26, 1984, in the Quince Street Test Center, 1300 Quince Street, 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 section 36, chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1984.

Dated: August 20, 1984

By: John Gonzalez
Director

STATEMENT OF PURPOSE

Name of Agency: State of Washington Department of Licensing.

Purpose: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.50 RCW.

Summary: WAC 308-115-300 adopts the Uniform Disciplinary Act and interprets the effect on chapter 18.50 RCW.

Statutory Authority: Section 36, chapter 279, Laws of 1984.

Reason Proposed: The adoption of the Uniform Disciplinary Act will enhance the director's ability to protect the public and to aid in assuring the public of the adequacy of professional competence and conduct in the practice of midwifery.

Responsible Departmental Personnel: In addition to the director of the Department of Licensing, John Gonzalez, the following agency personnel has knowledge of and responsibility for drafting, implementing and enforcing this rule: Chris Robert Rose, Assistant Administrator, 234-1150 scan, 753-1150 comm; and Ruth Jacobson, Executive Secretary, 234-3728 scan, 753-3728 comm, 1300 Quince Street, Olympia, WA 98504.

Proponents: This rule is proposed by the director of the Department of Licensing.

Small Business Economic Impact Statement: Not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-115-300 UNIFORM DISCIPLINARY ACT. The Director elects to adopt the Uniform Disciplinary Act, sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.50 RCW, effective August 1, 1985.

WSR 84-17-115
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning WAC 308-55-005, Uniform Disciplinary Act.

A copy of the proposed rule is shown below, however, changes may be made at the hearing;

that the agency will at 11:00 a.m., Thursday, September 26, 1984, in the Quince Street Test Center, 1300 Quince Street, 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 section 39, chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1984.

Dated: August 3, 1984

By: John Gonzalez
 Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing/Director of Licensing.

Purpose of Proposed Rule: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.55 RCW.

Statutory Authority: Section 39, chapter 279, Laws of 1984.

Summary of the Rule: WAC 308-55-005, Uniform Disciplinary Act.

Reason for Proposed Rule: To enhance the Director of Licensing's ability to protect the public.

Responsible Personnel: The director of the Washington State Department of Licensing, John Gonzalez, and the executive secretary for the ophthalmologists have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is Barbara Johnson, 1300 Quince Street S.E., Olympia, WA 98504, telephone (206) 753-1153 comm, 234-1153 scan.

Proponents of the Proposed Rule: This rule has been proposed by the Director of Licensing.

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since this rule does not impact small businesses as that term is defined in RCW 43.31.920.

NEW SECTION

WAC 308-55-005 UNIFORM DISCIPLINARY ACT. The Director of Licensing elects to adopt the Uniform Disciplinary Act, sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.55 RCW, effective August 1, 1985.

WSR 84-17-116
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed August 21, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the director of the Washington State Department of Licensing intends to adopt, amend, or repeal rules concerning WAC 308-26-030, Uniform Disciplinary Act.

A copy of the proposed rule is shown below, however, changes may be made at the hearing;

that the agency will at 10:30 a.m., Thursday, September 26, 1984, in the Quince Street Test Center, 1300 Quince Street, 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 section 32, chapter 279, Laws of 1984.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1984.

Dated: August 3, 1984

By: John Gonzalez
 Director

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing/Director of Licensing.

Purpose of Proposed Rule: To adopt the Uniform Disciplinary Act in lieu of the disciplinary provisions in chapter 18.34 RCW.

Statutory Authority: Section 32, chapter 279, Laws of 1984.

Summary of the Rule: WAC 308-26-030, Uniform Disciplinary Act.

Reason for Proposed Rule: To enhance the Director of Licensing's ability to protect the public.

Responsible Personnel: The director of the Washington State Department of Licensing, John Gonzalez, and the executive secretary for the ophthalmologists have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is Barbara Johnson, 1300 Quince Street S.E., Olympia, WA 98504, telephone (206) 753-1153 comm, 234-1153 scan.

Proponents of the Proposed Rule: This rule has been proposed by the Director of Licensing.

Federal Law or Federal or State Court Requirements: The proposed rule is not necessitated as the result of federal or state court action.

Small Business Economic Impact Statement: Not required since this rule does not impact small businesses as that term is defined in RCW 43.31.920.

NEW SECTION

WAC 308-26-030 UNIFORM DISCIPLINARY ACT. The Director of Licensing elects to adopt the Uniform Disciplinary Act, sections 1 through 24 of chapter 279, Laws of 1984, in lieu of the disciplinary provisions in chapter 18.34 RCW, effective August 1, 1985.

WSR 84-17-117**ADOPTED RULES****LIQUOR CONTROL BOARD**

[Order 148, Resolution No. 157—Filed August 22, 1984]

Be it resolved by the Washington State Liquor Control Board, acting at the offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to minimum monetary penalty, WAC 314-12-170.

This action is taken pursuant to Notice No. WSR 84-15-028 filed with the code reviser on July 11, 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 State Liquor Control Board as authorized in RCW 66.08.030, 66.98.070 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED August 22, 1984.

By Robert D. Hannah
Chairman

NEW SECTION

WAC 314-12-170 MINIMUM MONETARY PENALTY. If the Board, pursuant to RCW 66.24.120, determines to provide in either its prehearing summary disposition or final order of suspension that such suspension shall be vacated upon payment of a monetary penalty, then such penalty shall not, in any event, be less than \$500.00.

WSR 84-17-118**ATTORNEY GENERAL OPINION****Cite as: AGO 1984 No. 21**

[August 21, 1984]

TAXATION—PROPERTY—ADMINISTRATIVE REFUND OF CERTAIN PROPERTY TAXES

Except where the board of county commissioners acts on its own motion in some appropriate manner, a taxpayer may not be allowed an administrative refund of ad valorem property taxes under RCW 84.69.020, based upon a reduction of assessed valuation ordered by the board of tax appeals, where his or her claim for refund is not filed within three years after the payment of the taxes for which refund is sought.

Requested by:

Honorable Henry R. Dunn
Prosecuting Attorney
Cowlitz County
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312 South First Avenue West
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WSR 84-17-119**PROPOSED RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—General apportionment, chapter 392-121 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-121 WAC, Finance—General Apportionment.

Rule Section(s): WAC 392-121-010 Authority; 392-121-103 Purpose; 392-121-105 Definitions—Enrolled and full-time equivalent student; 392-121-121 Definition—Certificated staff mix factor; 392-121-125 Definition—District certificated staff mix factor; 392-121-126 Definition—System wide certificated staff mix factor; 392-121-127 Proration of school district certificated staff mix factor; 392-121-130 Definition—Certificated years of experience; 392-121-135 Definition—Highest degree level; 392-121-140 Definition—Credits earned since highest degree; 392-121-145 Placement of nondegree certificated personnel on LEAP document 1; 392-121-150 Placement of certificated staff with degrees on certificated staff mix table; 392-121-155 Placement on certificated staff mix table—Documentation required; 392-121-170 Basic education allocation—Resident and nonresident students; and 392-121-100 Authority and purpose.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To establish agency policies for distribution of state moneys for apportionment.

Summary of the New Rule(s) and/or Amendments: WAC 392-121-101 sets forth authority for this chapter; 392-121-103 sets forth purpose for this section; 392-121-105 corrects code citation; 392-121-121 clarifies

reference to certificated LEAP table; 392-121-125 clarifies reference to certificated LEAP table; 392-121-126 clarifies reference to certificated LEAP table; 392-121-127 clarifies reference to certificated LEAP table; 392-121-130 clarifies reference to certificated LEAP table; 392-121-135 clarifies caption; 392-121-140 clarifies caption; 392-121-145 clarifies placement of superintendent that does not possess a degree; 392-121-150 clarifies treatment of education degrees; 392-121-155 clarifies documentation requirement for credits; 392-121-170 sets forth a reporting requirement for termination of interdistrict cooperation agreements; and 392-121-100 repeals dual authority and purpose section.

Reasons Which Support the Proposed Action(s): Clarifies agency intent.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

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 Matter Pertaining to the Rule(s): Agency needs to be notified which district is to receive apportionment moneys where an interdistrict cooperative agreement exists.

NEW SECTION

WAC 392-121-101 **AUTHORITY.** The authority for this chapter is RCW 28A.41.170 which authorizes the superintendent of public instruction to adopt rules and regulations as are necessary for the proper administration of chapter 28A.41 RCW. This general authority is supplemental by RCW 28A.41.055 which authorizes the superintendent of public instruction to develop apportionment factors based on data and statistics derived in an annual period established by the superintendent of public instruction.

NEW SECTION

WAC 392-121-103 **PURPOSE.** The purpose of this chapter is to set forth policies and procedures related to the general apportionment of state moneys for the operation of common schools within the state of Washington.

AMENDATORY SECTION (Amending Order 83-14, filed 10/10/83)

WAC 392-121-105 **DEFINITIONS—ENROLLED AND FULL-TIME EQUIVALENT STUDENT.** As used in this chapter, the terms:

(1) "Enrolled" shall mean that, after the close of the prior school year, a student has presented himself or herself, or has been presented, to the appropriate school official to be entered on the rolls for the purpose of attending school and has actually attended school on a school day during the current school year.

(2) "Full-time equivalent student" shall mean each student who is enrolled in the school district as of the fourth school day following the commencement of the school year (September 1 through August 31) and/or as of the first school day of any of the subsequent eight months for the number of hours set forth below, inclusive of class periods and normal class change passing time, but exclusive of noon intermissions: **PROVIDED**, That the hours set forth below shall be construed as annual average hours for the purposes of compliance with this chapter: **PROVIDED FURTHER**, That for districts commencing basic education programs prior to September first, the first month enrollment count shall be made on the fourth school day in September:

(a) Kindergarten (full-day): 20 hours each week, or 4 hours (240 minutes) for 90 scheduled school days;

(b) Kindergarten (half-day): 10 hours each week, or 2 hours (120 minutes) each scheduled school day;

(c) Primary (grades 1 through 3): 20 hours each week, or 4 hours (240 minutes) each scheduled school day;

(d) Elementary (grades 4 through 6): 25 hours each week, or 5 hours (300 minutes) each scheduled school day;

(e) Secondary (grades 7 through 12): 25 hours each week, or 5 hours (300 minutes) each scheduled school day.

(3) "Average annual full-time equivalent students" shall mean the quotient obtained by dividing the annual total of full-time equivalent students enrolled and reported to the superintendent of public instruction pursuant to subsection (2) above by nine.

(4) "Enrollment decline" shall mean the number of average annual full-time equivalent students which is obtained by subtracting the district's average annual full-time equivalent students in the current school year from the district's average annual full-time equivalent students in the prior school year as calculated by the superintendent of public instruction not later than August 31 of each school year: **PROVIDED**, That the enrollment for the current year is less than the enrollment for the prior year.

(5) "Kindergarten" shall mean an instructional program conducted pursuant to RCW ((~~28A.35.010~~) 28A.58.754 for students who meet the entry age requirements pursuant to chapter 180-39 WAC ((~~180-16-166~~)).

(6) The definitions in this section shall apply for apportionment purposes only and shall not apply to program approval standards for basic education entitlement.

(7) Except as provided in subsection (8) below, no student shall be counted as more than one full-time equivalent for purposes of basic education allocation.

(8) School districts operating approved vocational skills center programs during the summer vacation months may claim additional full-time-equivalent students based upon actual enrollment in such vocational skills centers on the first school day of July of each year. Each district operating an approved vocational skills center program shall be entitled to claim one full-time-equivalent student for each 900 hours of planned student enrollment for the summer term based upon the July enrollment data.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-121 **DEFINITION—CERTIFICATED STAFF MIX FACTOR.** As used in this chapter, "certificated staff mix factor" shall mean any one of the numbers to three decimal places which appears on LEAP Document I dated April 20, 1981, at 11:35 a.m.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-125 **DEFINITION—DISTRICT CERTIFICATED STAFF MIX FACTOR.** As used in this chapter the term "district certificated staff mix factor" shall mean that number calculated to three decimal places as determined by:

(1) Assigning a certificated staff mix factor from LEAP Document I dated April 20, 1981, at 11:35 a.m. to each certificated employee of the school district who is employed in the school district's basic education program as determined by the school district on October 1 of each school year depending upon the employee's placement on the appropriate years of service line and on the appropriate education column. Placement on LEAP Document I shall be according to the following criteria:

(a) Number of years of experience as defined in WAC 392-121-130: **PROVIDED**, That the employee shall be placed on the line of fewer years of experience in cases where the employee's years of experience accumulate to less than half of a year or the employee shall be placed on the line of greater years of experience in cases where the employee's years of experience accumulate to one-half year or more; and

(b) The highest degree level as defined in WAC 392-121-135 and credits earned after that degree as defined in WAC 392-121-140 at the highest placement level for each employee: **PROVIDED**, That in cases where the number of credits earned after a degree by an employee falls between the education columns, that employee shall be placed on the lower column except in cases where the credit equivalency is one-half a quarter hour or less below the next highest education column, that person shall be placed on the higher column;

(2) Multiplying the number of full-time employees as of October 1 with assigned certificated staff mix factors by those factors;

(3) For part-time employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective mix factors;

(4) Adding the products obtained in (2) and (3) above; and

(5) Dividing the total obtained in (4) above by the district's total number of full-time-equivalent certificated employees in basic education as of October 1 with assigned certificated staff mix factors.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-126 DEFINITION—SYSTEM-WIDE CERTIFICATED STAFF MIX FACTOR. As used in this chapter, the term "system-wide certificated staff mix factor" shall mean the composite staff mix factor for all full-time-equivalent certificated staff in the state-wide basic education program as of October 1 of each school year. The factor shall be calculated as follows:

(1) The superintendent of public instruction shall first total the products obtained by (a) multiplying the number of full-time basic education certificated employees by their respective and appropriate certificated staff mix factors and (b) for part-time basic education certificated employees, multiplying the fraction of each employee's basic education full-time equivalency rounded to three decimal places by the respective and appropriate mix factors. Rounding shall be accomplished by increasing the last required digit to the next highest number when the next digit to the right of the last required digit has a numeric value of five or more. The last required digit shall remain constant when the next digit to the right is less than five.

(2) The superintendent shall then divide the sum obtained in subsection (1) of this section by the total number of full-time-equivalent employees in the state-wide basic education program and round to four decimal places using the rounding process set forth in subsection (1) of this section.

(3) The quotient obtained in subsection (2) of this section shall be the system-wide certificated staff mix factor.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-127 PRORATION OF SCHOOL DISTRICT CERTIFICATED STAFF MIX FACTOR. If the system-wide certificated staff mix factor exceeds 1.6182 in 1981-82 and 1982-83, each district's certificated staff mix factor shall be prorated down by a uniform percentage to the extent necessary to bring the system-wide certificated staff mix factor to 1.6182 in each of those years. The superintendent shall make the initial calculation of the system-wide certificated staff mix factor no later than the last business day in January of each year. The superintendent shall incorporate the revised district certificated staff mix factor into the calculations governing the February payment of basic education allocation funds. If school districts submit revised staff data which would change the district's certificated staff mix factor, the superintendent will accept such revisions until the last business day in March of each year. The superintendent shall make a final determination of the system-wide certificated staff mix factor and uniform percentage rate for reducing each district's certificated staff mix factor pursuant to this section and incorporate that uniform percentage rate in the calculation of each district's basic education allocation.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-130 ((ADDITIONAL)) DEFINITION—CERTIFICATED YEARS OF EXPERIENCE. Regardless of the experience factors used by a school district for the purposes of its salary schedule(s), as used in this chapter the term "years of experience" shall mean the number of years of accumulated full-time and part-time professional education employment prior to the current reporting year in Washington and out-of-state, and shall be reported by the school district to the nearest tenth. School districts shall report all years of experience including those beyond the experience limit of the school district's salary schedule. The traditional nine-month academic year shall be considered as one school year. Not more than one school year of experience may be counted for any twelve-month period. Professional education experience shall be limited to the following:

(1) Employment in public or private preschools or elementary and secondary schools in positions which require certification;

(2) Employment in public or private vocational-technical schools, community/junior colleges, colleges, and universities in positions comparable to those which require certification in the common schools;

(3) Employment in educational institutions in any professional position, including but not limited to C.P.A., architect, business manager, physician, if employment is in an education agency or institution such as an educational service district, office of superintendent of public instruction, or United States Department of Education; and

(4) Experience in the following areas if recognized by the district for placement on the district salary schedule:

(a) Military, Peace Corps, or Vista service which interrupted professional employment;

(b) Sabbatical leave; and

(c) For vocational instructors who hold no degree, up to a maximum of six years of management experience acquired after the instructor meets the minimum vocational certification requirements.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-135 ((ADDITIONAL)) DEFINITION—HIGHEST DEGREE LEVEL. As used in this chapter, the term "highest degree level" shall mean the highest degree earned by the employee from an accredited college or university.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-140 ((ADDITIONAL)) DEFINITION—CREDITS EARNED SINCE HIGHEST DEGREE. As used in this chapter, the term "credits earned since highest degree" shall mean for certificated employees who hold degrees, the number of quarter hours or units or semester hours, each converted to quarter hours, earned from accredited community colleges, colleges, or universities after the awarding or conferring of the highest degree. Districts may not include:

(1) Credits in excess of degree requirements which were earned prior to awarding or conferring of the degree.

(2) Inservice credits awarded by agencies other than accredited colleges or universities.

(3) Community college or college or university credits which are not transferrable or applicable to a bachelor's level degree program.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-145 PLACEMENT OF NONDEGREE CERTIFICATED PERSONNEL ON LEAP DOCUMENT 1. Certificated employees without college degrees shall be placed on LEAP Document 1 as follows:

(1) Persons holding a valid initial or provisional certificate as a school nurse, a life teaching certificate, or a valid certificate as a special elementary or secondary consultant, or special crafts teacher shall be placed on the BA column.

(2) Persons holding a valid continuing or standard school nurse certificate shall be placed on the BA + 30 credits column.

(3) Persons holding valid vocational certificates as provided for in chapter 180-77 WAC shall be placed on LEAP Document 1 as follows:

(a) Persons meeting the minimum certification requirements shall be placed on the BA column; and

(b) Additional quarter credit hours earned shall be recognized on the basis of one quarter hour for each ten clock hours of approved teacher training and/or one quarter hour for each 100 clock hours of occupational experience as defined in chapter 180-77 WAC each earned after meeting the minimal vocational certification requirements. Persons reaching the BA + 135 credits column with this process shall be placed on the MA column.

(4) Persons designated as the school district superintendent shall be placed in the BA column.

AMENDATORY SECTION (Amending Order 80-29, filed 7/28/80)

WAC 392-121-150 PLACEMENT OF CERTIFICATED STAFF WITH DEGREES ON CERTIFICATED STAFF MIX TABLE. Districts shall report each certificated employee's actual degree level pursuant to this chapter. If an employee holds two or more degrees of the same level, the first degree conferred or awarded shall be the degree after which additional credits are counted regardless of whether the first degree was in education. A certificated employee who holds a valid vocational certificate acquired as the result of industrial experience rather than college training, and who also holds an earned college degree which is incidental to or not related to the vocational certificate shall be reported by the school district as holding no degree.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-155 **PLACEMENT ON CERTIFICATED STAFF MIX TABLE—DOCUMENTATION REQUIRED.** School districts shall have documentation on file and available for review which substantiates each certificated employee's placement on LEAP Document 1.

Districts shall document the date of awarding or conferring of the degree. Documentation shall include the date upon which the degree was awarded or conferred as recorded on the diploma or official transcript: **PROVIDED**, That if the degree was awarded by an institution which does not confer degrees after each term, and all degree requirements were completed at a time other than the date recorded on the diploma or transcript, an official notarized statement from the institution verifying a prior completion date shall be adequate documentation. Districts shall document the credits which were earned after the awarding or conferring of the highest degree. Documentation for credits after the degree shall be on an official transcript or letter from the institution granting the credits.

For certificated employees having no degree of bachelor's level or higher, no credits earned beyond degree may be reported: **PROVIDED**, That if a person has no degree and has current vocational certification, districts may count and should report as quarter hour credits earned the following:

- (1) Approved vocational teacher training at the rate of one quarter hour credit for each ten clock hours of training received after meeting minimum vocational certification requirements;
- (2) Occupational experience at the rate of one quarter hour credit for each 100 clock hours of occupational experience gained after meeting minimal vocational certification requirements.

AMENDATORY SECTION (Amending Order 81-15, filed 10/6/81)

WAC 392-121-170 **BASIC EDUCATION ALLOCATION—RESIDENT AND NONRESIDENT STUDENTS.** (1) State basic education allocation funds shall be paid for students enrolled in grades kindergarten through twelve who are under twenty-one years of age at the beginning of the school year.

(2) State basic education allocation funds shall be paid to each school district for resident students and nonresident students who are enrolled pursuant to chapter 392-135 WAC (interdistrict cooperation) or chapter 392-137 WAC (nonresident attendance). Such funds shall be paid to the school district in which the student attends school.

(3) Any school district that terminates an interdistrict cooperative agreement established pursuant to chapter 392-135 WAC for which the superintendent of public instruction executes a transfer of basic education funds for apportionment purposes shall inform the superintendent of public instruction and the serving district of the termination in writing. The superintendent of public instruction shall adjust the involved districts' apportionment after the written notification of termination has been received.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-121-100 **AUTHORITY AND PURPOSE.**

WSR 84-17-120
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Categorical apportionment, chapter 392-122 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and

Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-122 WAC, Finance—Categorical apportionment.

Rule Section(s): WAC 392-122-100 State handicapped program—Applicable code provisions; 392-122-105 Definition—LEAP document for state handicapped program allocation; 392-122-110 Definition—State handicapped program—Handicapped program certificated derived base salary; 392-122-115 Definition—State handicapped program—Handicapped program classified average salary; 392-122-120 State handicapped program—Handicapped program certificated derived base salary; 392-122-125 State handicapped program—Handicapped program classified average salary; 392-122-130 State handicapped program—Nonemployee related cost; 392-122-135 State handicapped program—Eligible handicapped students; 392-122-140 State handicapped program—Home and/or hospital care; 392-122-145 State handicapped program—Home and/or hospital care—Extended absences; 392-122-150 State handicapped program—Hospital education program; 392-122-155 State handicapped program—Board and room costs; 392-122-160 State handicapped program—Reporting; 392-122-200 State institutional education program—Applicable code provisions; 392-122-205 State institutional education program—Eligible programs; 392-122-210 Definition—State institutional education program—Institutional program certificated derived base salary; 392-122-215 Definition—State institutional education program—Institutional program classified average salary; 392-122-230 State institutional education program—Eligible institutional education students; 392-122-235 State institutional education program—Institutional program certificated average salary; 392-122-240 State institutional education program—Institutional program classified average salary; 392-122-245 State institutional education program—Institutional program insurance benefits; 392-122-250 State institutional education program—Institutional program nonemployee related cost; 392-122-255 State institutional education program—Institutional program indirect cost; 392-122-260 State institutional education program—Basic education back-out for state learning centers; 392-122-265 State institutional education program—Institutional program traffic safety allocation; 392-122-270 State institutional education program—

Initial allocation; 392-122-275 State institutional education program—Reporting; 392-122-600 State remediation assistance program—Applicable code provisions; 392-122-605 Formula for distribution of state moneys for the state remediation assistance program; 392-122-610 Distribution of state moneys for the state remediation assistance program; 392-122-700 State transitional bilingual program—Applicable code provisions; 392-122-705 Formula for the distribution of state moneys for the state transitional bilingual program; 392-122-710 Distribution of state moneys for the transitional bilingual program; 392-122-805 Formula for distribution of state moneys for the state highly capable students education program; 392-122-810 Distribution of state moneys for the state highly capable students education program; and 392-122-900 General provision—Carry-over prohibition.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To set forth the procedures for the funding of state categorical programs.

Summary of the New Rule(s) and/or Amendments: WAC 392-122-100 states the sections of this chapter applicable to distribution of state moneys for the state handicapped program; 392-122-105 defines the term "LEAP document for state handicapped program allocation" for the purpose of distributing handicapped program allocations; 392-122-110 defines the term "handicapped program certificated derived base salary" for purpose of distributing handicapped program allocations; 392-122-115 defines the term "handicapped program classified average salary" for purpose of distributing handicapped program allocations; 392-122-120 describes the calculation of the handicapped program certificated derived base salary for the purpose of distributing handicapped program allocations; 392-122-125 describes the calculation of the handicapped program classified average salary for the purpose of distributing handicapped program allocations; 392-122-130 states that districts shall be allocated state handicapped program moneys for nonemployee related cost; 392-122-135 lists the eligible handicapped students for which districts shall be allocated state handicapped program moneys; 392-122-140 states that districts shall be allocated state handicapped program moneys for students eligible for temporary home and/or hospital care at the maximum rate; 392-122-145 states that students eligible for temporary home and/or hospital care whose absence from the regular attendance extends through two consecutive monthly enrollments shall only be eligible for home and/or hospital care allocations; 392-122-150 states that districts shall be allocated state handicapped program moneys for hospital educational programs at the maximum rate; 392-122-155 states that districts shall be allocated state handicapped program moneys for board and room cost for students not eligible under Department of Social and Health Services programs at the maximum rate; 392-122-160 states that districts shall be required to report the number of eligible handicapped students and any other additional data deemed necessary for the Superintendent of Public Instruction to allocate state handicapped program moneys;

392-122-200 states the sections of this chapter applicable to the distribution of state moneys for state institutional education programs; 392-122-205 lists the eligible programs supported by state institutional program moneys; 392-122-210 defines the term "institutional program certificated derived base salary" for purpose of distributing institutional education program allocations; 392-122-215 defines the term "institutional program classified average salary" for the purpose of distributing institutional education program allocations; 392-122-230 describes students eligible for state institutional education program moneys; 392-122-235 describes the calculation for the institutional program certificated average salary for purpose of distributing institutional education program allocations; 392-122-240 describes the calculation for the institutional program classified average salary for purpose of distributing institutional education program allocations; 392-122-245 states that districts shall be allocated state institutional education program moneys for employee insurance benefits; 392-122-250 states that districts shall be allocated state institutional education program moneys for non-employee related cost; 392-122-255 states that districts shall be allocated state institutional education program moneys for indirect cost; 392-122-260 describes the calculation of the basic education back-out for state learning centers; 392-122-265 states that districts shall be allocated traffic safety moneys for eligible state institutional education programs; 392-122-270 describes the calculation of the initial allocation with additional funds allocated as approved for state institutional education programs; 392-122-275 states that districts shall report the number of eligible institutional education students and additional data as deemed necessary for the Superintendent of Public Instruction to allocate state institutional education program money; 392-122-600 clarifies language; 392-122-605 clarifies language; 392-122-700 clarifies language; 392-122-705 clarifies language; 392-122-710 clarifies language; 392-122-805 clarifies language; and 392-122-900 clarifies language.

Reasons Which Support the Proposed Action(s): Sets forth the procedures by which state categorical funds are allocated to local school districts.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bruce Mrkvicka, SPI, 3-6807.

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 Matter Pertaining to the Rule(s): These permanent rules will replace temporary provisions in chapter 392-140 WAC.

NEW SECTION

WAC 392-122-100 STATE HANDICAPPED PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the state education program for handicapped students:

(1) WAC 392-122-100 through 392-122-160; and

(2) WAC 392-122-905.

NEW SECTION

WAC 392-122-105 **DEFINITION—LEAP DOCUMENT FOR STATE HANDICAPPED PROGRAM ALLOCATION.** "LEAP document for state handicapped program allocation" means the formula unit worksheet establishing the ratios and percentage distribution of specified handicapping conditions cited in the state operating appropriations act currently in effect for the purpose of distributing handicapped program allocations.

NEW SECTION

WAC 392-122-110 **DEFINITION—STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CERTIFICATED DERIVED BASE SALARY.** "Handicapped program certificated derived base salary" means the handicapped program certificated derived base salary for the current school year calculated and provided annually by the superintendent of public instruction for the purpose of distributing handicapped program allocations.

NEW SECTION

WAC 392-122-115 **DEFINITION—STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CLASSIFIED AVERAGE SALARY.** "Handicapped program classified average salary" means the handicapped program classified average salary for the current school year calculated and provided annually by the superintendent of public instruction for the purpose of distributing handicapped program allocations.

NEW SECTION

WAC 392-122-120 **STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CERTIFICATED DERIVED BASE SALARY.** State handicapped program moneys shall be allocated using each school district's handicapped program certificated derived base salary and its staff mix factor for certificated handicapped program staff as provided in the state operating appropriation act currently in effect and provided by the superintendent of public instruction for the purpose of distributing handicapped program allocations. The certificated staff mix factor used for certificated staff in each school district shall be determined using the procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations shall be based on certificated staff as reported on Form S-275 with work assignments in the state handicapped program.

NEW SECTION

WAC 392-122-125 **STATE HANDICAPPED PROGRAM—HANDICAPPED PROGRAM CLASSIFIED AVERAGE SALARY.** State handicapped program moneys shall be allocated using each school district's handicapped program classified average salary and its classified increment mix factor for classified state handicapped program staff as provided in the state operating appropriation act currently in effect and provided by the superintendent of public instruction for the purpose of distributing handicapped program allocations. The classified increment mix factor used for classified staff in each school district shall be determined using the procedure described in WAC 392-121-128 and 392-121-129. The classified increment mix factor and average salary computations shall be based on classified staff as reported on Form S-277 with work assignments in the state handicapped program.

NEW SECTION

WAC 392-122-130 **STATE HANDICAPPED PROGRAM—NONEMPLOYEE RELATED COST.** State handicapped program moneys for nonemployee related costs (NERC) shall be allocated to school districts for eligible handicapped students served at the maximum rate established in the LEAP document for state handicapped programs.

NEW SECTION

WAC 392-122-135 **STATE HANDICAPPED PROGRAM—ELIGIBLE HANDICAPPED STUDENTS.** State handicapped program moneys shall be allocated in accordance with the LEAP document for state handicapped program allocation for each served, eligible handicapped student as defined in:

- (1) WAC 392-171-381 (developmentally handicapped preschool students);
- (2) WAC 392-171-386 (seriously behaviorally disabled students);
- (3) WAC 392-171-391 (communication disordered students);
- (4) WAC 392-171-396 (orthopedically impaired students);
- (5) WAC 392-171-401 (health impaired students);
- (6) WAC 392-171-406 (specific learning disabled students);
- (7) WAC 392-171-421 (mentally retarded students);
- (8) WAC 392-171-431 (multihandicapped students);
- (9) WAC 392-171-436 (deaf students);
- (10) WAC 392-171-441 (hard of hearing students);
- (11) WAC 392-171-446 (visually handicapped students); and
- (12) WAC 392-171-451 (deaf-blind students).

NEW SECTION

WAC 392-122-140 **STATE HANDICAPPED PROGRAM—HOME AND/OR HOSPITAL CARE.** State handicapped program moneys shall be allocated to school districts for students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing home and/or hospital care allocations.

NEW SECTION

WAC 392-122-145 **STATE HANDICAPPED PROGRAM—HOME AND/OR HOSPITAL CARE—EXTENDED ABSENCES.** Students eligible under WAC 392-171-486 temporarily requiring home and/or hospital care, otherwise not deemed "handicapped" pursuant to WAC 392-171-310, whose absence from the regular attendance continues through two consecutive monthly enrollment report days shall be dropped from the rolls and shall not be counted as an enrolled student until attendance is resumed as provided under WAC 392-121-180(6). These students whose absences extends beyond the two consecutive monthly enrollment report days shall only be eligible for home and/or hospital care allocations until attendance in the regular program is resumed.

NEW SECTION

WAC 392-122-150 **STATE HANDICAPPED PROGRAM—HOSPITAL EDUCATIONAL PROGRAM.** State handicapped program moneys shall be allocated by the superintendent of public instruction to school districts operating a hospital educational program for the exclusive purpose of maintaining and operating the hospital educational program. School districts shall be allocated funds for hospital educational programs at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing hospital educational program allocations.

NEW SECTION

WAC 392-122-155 **STATE HANDICAPPED PROGRAM—BOARD AND ROOM COST.** State handicapped program moneys shall be allocated to school districts for the cost of approved board and room for eligible handicapped students served and requiring board and room, who are not eligible under programs of the department of social and health services, but deemed in need of the board and room by the superintendent of public instruction. School districts shall be allocated funds for board and room of eligible handicapped students at the maximum rate provided annually by the superintendent of public instruction for the purpose of distributing board and room allocations.

NEW SECTION

WAC 392-122-160 **STATE HANDICAPPED PROGRAM—REPORTING.** (1) At such times as are designated by the superintendent of public instruction, each school district shall report the number of eligible handicapped students by each handicapping condition receiving special education according to instructions provided by the superintendent of public instruction.

(2) Each school district shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the school district's allocation of state handicapped moneys.

NEW SECTION

WAC 392-122-200 STATE INSTITUTIONAL EDUCATION PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the state institutional education program:

- (1) WAC 392-122-200 through 392-122-280; and
- (2) WAC 392-122-900 through 392-122-905.

NEW SECTION

WAC 392-122-205 STATE INSTITUTIONAL EDUCATION PROGRAM—ELIGIBLE PROGRAMS. Programs supported as state institutional education programs include:

- (1) State operated group homes—i.e., facilities financed by the juvenile rehabilitation division of the department of social and health services to house adjudicated youth twenty-four hours a day;
- (2) Juvenile parole learning centers—i.e., facilities funded by the division of juvenile rehabilitation of the department of social and health services for adjudicated youth residing in the community. Education is provided under the guidance of local school districts.
- (3) Juvenile detention centers—i.e., facilities maintained for treatment and education of juveniles who have been placed under protective custody or have committed a criminal offense.
- (4) Institutions for juvenile delinquents—i.e., facilities established by the department of social and health services for the diagnosis, confinement and rehabilitation of juveniles committed by the courts.
- (5) Institutions for the handicapped—i.e., facilities established by the department of social and health services for care and treatment of persons with exceptional needs by reason of mental and/or physical deficiency.

NEW SECTION

WAC 392-122-210 DEFINITION—STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CERTIFICATED DERIVED BASE SALARY. "Institutional program certificated derived base salary" means the district's institutional education program certificated derived base salary calculated and provided annually by the superintendent of public instruction for the purpose of distributing institutional education program allocations.

NEW SECTION

WAC 392-122-215 DEFINITION—STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CLASSIFIED AVERAGE SALARY. "Institutional program classified average salary" means the district's institutional education program classified average salary calculated and provided annually by the superintendent of public instruction for the purpose of distributing institutional education program allocations.

NEW SECTION

WAC 392-122-230 STATE INSTITUTIONAL EDUCATION PROGRAM—ELIGIBLE INSTITUTIONAL EDUCATION STUDENTS. State institutional education program moneys shall be allocated to school districts based on the institutional enrollment levels provided by the department of social and health services to the special and institutional education division in the office of the superintendent of public instruction.

NEW SECTION

WAC 392-122-235 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CERTIFICATED AVERAGE SALARY. State institutional education program moneys for the purpose of recognition of institutional program certificated staff salaries shall be allocated using each school district's state institutional certificated derived base salary and the district's staff mix factor for certificated institutional education program staff as provided in the state appropriations act currently in effect and provided by the superintendent of public instruction for the purpose of distributing institutional education program allocations. The certificated staff mix factor

used for certificated staff in each school district shall be determined using the procedure described in WAC 392-121-121 and 392-121-125. The staff mix factor and average salary computations for the institutional education program shall be based on certificated staff with work assignments in the state institutional education program as reported by the district on the Form S-275 for the current school year.

NEW SECTION

WAC 392-122-240 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM CLASSIFIED AVERAGE SALARY. State institutional education program moneys for the purpose of recognition of institutional program classified staff salaries shall be allocated using each school district's state institutional education classified average salary and the district's classified increment mix factor for classified institutional education program staff as provided in the appropriations act currently in effect and provided by the superintendent of public instruction for the purpose of distributing institutional education program allocations. The classified increment mix factor shall be determined using the procedure described in WAC 392-121-128 and 392-121-129. The district's classified increment mix factor and average salary shall be based on classified staff with work assignments in the state institutional education program as reported by the district on Form S-277 for the current school year.

NEW SECTION

WAC 392-122-245 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM INSURANCE BENEFITS. State institutional education program moneys for the purpose of recognition of institutional program employee insurance shall be allocated to school districts based on the amount per month authorized in the state appropriations act currently in effect per full-time equivalent employee.

NEW SECTION

WAC 392-122-250 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM NONEMPLOYEE RELATED COST. State institutional education program moneys for the purpose of recognition of nonemployee related costs (NERC) shall be allocated to school districts at the maximum rate of one hundred sixty-seven dollars per eligible institutional education student for the 1984-85 school year.

NEW SECTION

WAC 392-122-255 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM INDIRECT COST. State institutional education program moneys for the purpose of recognition of institutional program indirect costs shall be allocated to school districts based on the district's prior year indirect cost percent for the institutional program multiplied by the district's current school year state institutional education program allocation for certificated and classified salaries, statutory and health benefits, and nonemployee related costs.

NEW SECTION

WAC 392-122-260 STATE INSTITUTIONAL EDUCATION PROGRAM—BASIC EDUCATION BACK-OUT FOR STATE LEARNING CENTERS. The back-out of basic education funds from the district's state institutional education program allocation for a school year shall be calculated by multiplying the state guarantee per full-time equivalent pupil rate by the number of eligible institutional education students as defined in WAC 392-122-230.

NEW SECTION

WAC 392-122-265 STATE INSTITUTIONAL EDUCATION PROGRAM—INSTITUTIONAL PROGRAM TRAFFIC SAFETY ALLOCATION. Traffic safety moneys shall be allocated to eligible state institutional education programs pursuant to chapter 392-153 WAC by January of each school year.

NEW SECTION

WAC 392-122-270 STATE INSTITUTIONAL EDUCATION PROGRAM—INITIAL ALLOCATION. The initial allocation for state institutional education programs shall be based upon the sum of

moneys allocated in accordance with WAC 392-122-235, 392-122-240, 392-122-245, 392-122-250, and 392-122-255. Additional funds shall be allocated to state institutional education programs during the school year as approved by the superintendent of public instruction.

NEW SECTION

WAC 392-122-275 STATE INSTITUTIONAL EDUCATION PROGRAM—REPORTING. (1) At such times as designated by the superintendent of public instruction, each school district operating an institutional education program shall report the number of eligible institutional education students receiving institutional education according to instructions provided by the superintendent of public instruction.

(2) Each school district operating an institutional education program shall provide, upon request, such additional data as are necessary to enable the superintendent of public instruction to allocate and substantiate the district's allocation of state institutional education program funds.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-600 STATE REMEDIATION ASSISTANCE PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state moneys for the state remediation assistance program:

- (1) WAC 392-122-600 through 392-122-610; and
- (2) WAC 392-122-900 through 392-122-905.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-605 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR ((★)) THE STATE REMEDIATION ASSISTANCE PROGRAM. (1) As used in this section, the term "basic skills test" shall mean the approved fourth grade test administered by districts pursuant to RCW 28A.03.060.

(2) A district's entitlement for state moneys for ((★)) the state remediation assistance program shall be calculated as follows:

(a) Multiplying the percentage of students taking the basic skills test for last year that scored in the lowest quartile as determined by the nationally normed scores by the number of estimated average annual full-time equivalent students enrolled in the district in grades two through six: PROVIDED, That if the district did not have any student score in the lowest quartile as defined above in the basic skills test, the district shall use the average percentage of students so scoring for the previous five years state-wide averages;

(b) Multiply the number of students obtained in the above calculation by the per pupil allocation established in the state appropriation act for ((★)) the state remediation assistance program; and

(c) The product is the district's entitlement subject to WAC 392-122-610, 392-122-900 and its provision for enrollment adjustment.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-610 DISTRIBUTION OF STATE MONEYS FOR ((★)) THE STATE REMEDIATION ASSISTANCE PROGRAM. The superintendent of public instruction shall apportion to districts for the state remediation assistance program the amount calculated per district in WAC 392-122-605 in monthly payments according to the schedule depicted in RCW 28A.48.010 that shall be adjusted in intervals to accurately reflect the changes in each district's grades two through six annual average full time enrollment.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-700 STATE TRANSITIONAL BILINGUAL PROGRAM—APPLICABLE CODE PROVISIONS. The following sections of this chapter are applicable to the distribution of state funds for the state transitional bilingual program:

- (1) WAC 392-122-700 through 392-122-710; and
- (2) WAC 392-122-900 through 392-122-905.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-705 FORMULA FOR THE DISTRIBUTION OF STATE MONEYS FOR THE STATE TRANSITIONAL BILINGUAL PROGRAM. (1) As used in this section the term "eligible student" shall mean those students defined under WAC 392-160-005(c).

(2) A district's entitlement for state moneys for ((★)) the state transitional bilingual program shall be calculated as follows:

(a) Multiplying the number of eligible students by the per pupil allocation established in the state appropriation act for ((★)) the state transitional bilingual program.

(b) The result of the calculation provided in (a) of this subsection is the district's entitlement subject to WAC 392-122-710 and its provision for enrollment adjustment.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-710 DISTRIBUTION OF STATE MONEYS FOR ((★)) THE TRANSITIONAL BILINGUAL PROGRAM. The superintendent of public instruction shall apportion to districts for the state transitional bilingual program the amount calculated per district in WAC 392-122-700 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's reported eligible students as reported on the P223SN, Special needs enrollment reporting form.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-805 FORMULA FOR DISTRIBUTION OF STATE MONEYS FOR ((★)) THE STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. (1) As used in this section, the term "average annual full-time equivalent students" or AAFTE shall be defined as that term defined in WAC 392-121-105(3).

(2) A district's entitlement for state moneys for ((★)) the state highly capable students education program shall be calculated as follows:

(a) Multiplying the AAFTE of the reporting district by one percent;

(b) Multiplying the number of students obtained in the above calculation by the per pupil allocation established in the State Operating Appropriations Act in effect at the time the apportionment is due; and

(c) The product is the district's entitlement subject to WAC 392-122-810 and its provision for enrollment adjustment.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-810 DISTRIBUTION OF STATE MONEYS FOR ((★)) THE STATE HIGHLY CAPABLE STUDENTS EDUCATION PROGRAM. The superintendent of public instruction shall apportion to districts for the state highly capable student education program the amount calculated per district in WAC 392-122-805 according to the apportionment schedule provided in RCW 28A.48.010. The amount apportioned may be adjusted intermittently to reflect changes in the district's AAFTE students as reported on the P223, Monthly report of school district enrollment form.

AMENDATORY SECTION (Amending Order 84-10, filed 6/13/84)

WAC 392-122-900 GENERAL PROVISION—CARRYOVER PROHIBITION. Categorical apportionment moneys except for state handicapped programs shall not be carried over from one fiscal school year to another. Moneys distributed by the state for a categorical program which remain unspent during the applicable school district fiscal year in expenditure classifications deemed allowable by the superintendent of public instruction—i.e., an unrestricted fund balance—~~((at close of the fiscal shall revert to the state))~~ shall revert to the state at close of the fiscal year.

WSR 84-17-121
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Nonresident attendance, chapter 392-137 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.58.240 and 28A.58.242.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-137 WAC, Finance—Nonresident attendance.

Rule Section(s): WAC 392-137-020 Nonresident students under the age of twenty-one—Mutual agreement between resident and nonresident district required.

Statutory Authority: RCW 28A.58.240 and 28A.58.242.

Purpose of the Rule(s): To establish policies and procedure for nonresident attendance.

Summary of the New Rule(s) and/or Amendments: WAC 392-137-020 clarifies timelines.

Reasons Which Support the Proposed Action(s): Current code has no timeline.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Bob Schley, SPI, 3-1717.

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 Matter Pertaining to the Rule(s): The amendment is housekeeping.

AMENDATORY SECTION (Amending Order 83-11, filed 8/18/83)

WAC 392-137-020 NONRESIDENT STUDENTS UNDER THE AGE OF TWENTY-ONE—MUTUAL AGREEMENT BETWEEN RESIDENT AND NONRESIDENT DISTRICT REQUIRED. (1) A nonresident student who is under the age of twenty-one may be admitted tuition free (but see permissive tuition in WAC 392-137-045(1)) by a nonresident district only pursuant to an agreement between the student's resident district and the nonresident district or pursuant to an order of the superintendent of public instruction pursuant to RCW 28A.58.242 and WAC 392-137-065 or pursuant to an order of a court of law. In the event the student is considered to be a resident of more than one district pursuant to the definition of "resident student" set forth in WAC 392-137-010(2), the agreement shall be between the nonresident district and the district in which the student was last enrolled and is considered to be a resident.

(2) A student's attendance shall be credited in all cases to the school district of enrollment unless:

(a) The superintendent of public instruction is notified by order of the board of directors of a student's resident district provided for in subsection (1) that the student is a resident of its district and is attending a nonresident district without authorization pursuant to an

agreement or order of the superintendent or a court of law releasing the student, and

(b) it is established that the student is a resident of the district and that neither such an agreement nor order of the superintendent or a court of law exists.

(3) In the event a district claims that a student attending another district is a resident of its district, the board of directors of such district, in its order, shall set forth the correct residence of the student and the facts upon which such determination was made. A copy of such order shall be provided to the student and the district of enrollment. If the student or the district of enrollment protests the correctness of the student's residence, the board of directors of the district of enrollment shall cause the matter to be investigated and determine within forty-five calendar days whether the student is a resident of the district of enrollment and the district thereby is entitled to claim the student for apportionment purposes. The superintendent of public instruction shall consider the decision of the board of directors of the district of enrollment final unless set aside by a court of law.

(4) In the event it is so established that a student is enrolled in a nonresident district without authorization, the basic education allocation and other state payments in connection with the student's enrollment shall be discontinued until:

(a) The student enrolls in a resident district,

(b) An agreement required by subsection (1) is entered into, or

(c) The superintendent or a court of law orders the release of the student.

(5) In the event an agreement is entered into or the superintendent of public instruction or a court of law orders the release of the student, the basic education entitlement shall be allocated to the nonresident district for the period of the agreement or the order which may be retroactive to the month in which such entitlement was discontinued.

WSR 84-17-122

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Special allocations, instructions, and requirements, chapter 392-140 WAC;

that the agency will at 9:00, Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC, Finance—Special allocations, instructions, and requirements.

Rule Section(s): WAC 392-140-025 1981-83 state categorical special education program—Definition—

LEAP document 3; 392-140-026 1981-83 state categorical special education program—Definition—Certificated derived base salary; 392-140-027 1981-83 state categorical special education program—Definition—Classified average salary; 392-140-028 1981-83 state categorical special education program—Certificated derived base salary; 392-140-029 1981-83 state categorical special education program—Classified average salary; 392-140-030 1981-83 state categorical special education program—Supplies and material; 392-140-031 1981-83 state categorical special education program—Eligible handicapped students; 392-140-032 1981-83 state categorical special education program—Home and hospital; 392-140-033 1981-83 state categorical special education program—Foster care; 392-140-034 1981-83 state categorical special education program—Maximum control factor—Proration; 392-140-035 1981-83 state categorical special education program—Reporting; 392-140-040 1981-83 state categorical residential educational program—Funding; and 392-140-041 1981-83 state categorical residential educational program—Reporting.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): To set forth state policies and procedures for the funding of special and institutional programs.

Summary of the New Rule(s) and/or Amendments: Repeals current rules.

Reasons Which Support the Proposed Action(s): Policies and procedures are revised and recodified in new chapter 392-122 WAC.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Perry Keithley, SPI, 3-6742.

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 Matter Pertaining to the Rule(s): The agency is codifying all categorical apportionment regulations in new chapter 392-122 WAC.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-140-025 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—DEFINITION—LEAP DOCUMENT 3.

WAC 392-140-026 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—DEFINITION—CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-027 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—DEFINITION—CLASSIFIED AVERAGE SALARY.

WAC 392-140-028 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—CERTIFICATED DERIVED BASE SALARY.

WAC 392-140-029 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—CLASSIFIED AVERAGE SALARY.

WAC 392-140-030 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—SUPPLIES AND MATERIAL.

WAC 392-140-031 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—ELIGIBLE HANDICAPPED STUDENTS.

WAC 392-140-032 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—HOME AND HOSPITAL.

WAC 392-140-033 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—FOSTER CARE.

WAC 392-140-034 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—MAXIMUM CONTROL FACTOR—PRORATION.

WAC 392-140-035 1981-83 STATE CATEGORICAL SPECIAL EDUCATION PROGRAM—REPORTING.

WAC 392-140-040 1981-83 STATE CATEGORICAL RESIDENTIAL EDUCATIONAL PROGRAM—FUNDING.

WAC 392-140-041 1981-83 STATE CATEGORICAL RESIDENTIAL EDUCATIONAL PROGRAM—REPORTING.

WSR 84-17-123 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Finance—Special allocations, instructions, and requirements, chapter 392-140 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.41.170.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-140 WAC, Finance—Special allocations, instructions, and requirements.

Rule Section(s): WAC 392-140-045 1984-85 RAP, grades seven through nine—Applicable provisions; 392-140-046 1984-85 RAP, grades seven through nine—Definition—Discretionary remediation program; 392-140-047 1984-85 RAP, grades seven through nine—Definition—Supplemental instructional assistance; 392-140-048 1984-85 RAP, grades seven through nine—Definition—Like services; 392-140-049 1984-85 RAP, grades seven through nine—Definition—Eligible students; 392-140-050 1984-85 RAP, grades seven through nine—District application; 392-140-051 1984-85 RAP, grades seven through nine—Board approval; 392-140-052 1984-85 RAP, grades seven through nine—Content of district application; 392-140-053 1984-85 RAP, grades seven through nine—Program requirement—Notification of parents; 392-140-054 1984-

85 RAP, grades seven through nine—Program requirement—Allowable expenditure; 392-140-055 1984-85 RAP, grades seven through nine—Program requirement—End of year report; 392-140-056 1984-85 RAP, grades seven through nine—Program requirement—Program evaluation; 392-140-057 1984-85 RAP, grades seven through nine—Definition—District 7-9 FTE enrollment; 392-140-058 1984-85 RAP, grades seven through nine—Definition—District RAP percentage; 392-140-059 1984-85 RAP, grades seven through nine—Definition—District handicapped enrollment for ages 7 to 14; 392-140-060 1984-85 RAP, grades 7 through 9—Definition—Handicapped remediation factor; 392-140-061 1984-85 RAP, grades 7 through 9—Definition—District grades 7 through 9 service population; 392-140-062 1984-85 RAP, grades 7 through 9—Definition—State service population support level; 392-140-063 1984-85 RAP, grades 7 through 9—District allocation for 1984-85 RAP program for grades 7 through 9; and 392-140-064 1984-85 RAP, grades 7 through 9—Distribution of state moneys for the state remediation assistance program grades 7 through 9.

Statutory Authority: RCW 28A.41.170.

Purpose of the Rule(s): Implementation of the discretionary remediation program of chapter 285, Laws of 1984.

Summary of the New Rule(s) and/or Amendments: WAC 392-140-045 sets forth the purpose for this chapter; 392-140-046 defines discretionary remediation program; 392-140-047 defines instructional assistance; 392-140-048 defines like services; 392-140-049 defines eligible students; 392-140-050 states requirement of district application; 392-140-051 states requirement of board approval; 392-140-052 outlines content of district application; 392-140-053 requires parent notification; 392-140-054 requires end-of-year report; 392-140-055 requires program evaluation; 392-140-057 defines the term "district 7-9 FTE enrollment"; 392-140-058 defines the term "district RAP percentage"; 392-140-059 defines the term "district handicapped enrollment for ages"; 392-140-060 defines the term "handicapped remediation factor"; 392-140-061 defines the term "district grades 7 through 9 service population"; 392-140-062 defines the term "state service population support level"; 392-140-063 describes the calculation of the district allocations for the 1984-85 RAP program for grades 7 through 9; and 392-140-064 describes the calculation of and the process of making the monthly payments by the state for the support of the 1984-85 RAP program for grades 7 through 9.

Reasons Which Support the Proposed Action(s): Actions by the legislature during the 1984 legislative session as reflected in the operating appropriations act as amended.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Judy Schrag, SPI, 4-1842.

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 Matter Pertaining to the Rule(s): [No information supplied by agency.]

NEW SECTION

WAC 392-140-045 1984-85 RAP, GRADES SEVEN THROUGH NINE—APPLICABLE PROVISIONS. The provisions of WAC 392-140-045 through 392-140-064 shall be applicable to the distribution of state categorical apportionment funds to districts for the grades seven through nine remediation program established in section 511, chapter 285, Laws of 1984.

NEW SECTION

WAC 392-140-046 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—SUPPLEMENTAL INSTRUCTIONAL ASSISTANCE. As used in this chapter, the term "supplemental instructional assistance" shall mean instruction in reading, math, or communication skills in addition to instruction in such subject areas provided under the basic skills provisions of RCW 28A.58.754 (2)(d) and (e).

NEW SECTION

WAC 392-140-047 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—LIKE SERVICES. As used in this chapter, the term "like services" shall mean programs conducted pursuant to chapter 28A.13 RCW which provides services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services if the student is receiving no other special education instruction.

NEW SECTION

WAC 392-140-048 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISCRETIONARY REMEDIATION PROGRAM. As used in this chapter, the term "discretionary remediation program" shall mean providing supplemental instructional assistance in reading, math, or communication skills to any students in grades seven through nine who are in the bottom quartile on a nationally normed standardized test and who are not receiving like services in programs established in chapter 28A.13 RCW.

NEW SECTION

WAC 392-140-049 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—ELIGIBLE STUDENTS. As used in this chapter, the term "eligible students" means students in grades seven through nine who score in the lowest quartile on a nationally normed standardized test in reading, math or communication skills and are not receiving like services under the provisions of chapter 28A.13 RCW.

NEW SECTION

WAC 392-140-050 1984-85 RAP, GRADES SEVEN THROUGH NINE—DISTRICT APPLICATION. Each district that seeks an allocation from the state for the discretionary remediation program shall submit for approval an annual application on forms provided by the superintendent of public instruction.

NEW SECTION

WAC 392-140-051 1984-85 RAP, GRADES SEVEN THROUGH NINE—BOARD APPROVAL. The district's annual application shall be approved by formal action of the district's board of directors.

NEW SECTION

WAC 392-140-052 1984-85 RAP, GRADES SEVEN THROUGH NINE—CONTENT OF DISTRICT APPLICATION. The district's annual application shall contain the following:

- (1) Instructional program description which describes the supplementary services to be offered to eligible students;
- (2) Estimated number of students to be served;

(3) Assurances that the total expenditure of program moneys will be for purposes specified in the statute and these administrative codes.

NEW SECTION

WAC 392-140-053 1984-85 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—NOTIFICATION OF PARENTS. The district shall notify parents of participating students of the involvement of their child in the remediation assistance program.

NEW SECTION

WAC 392-140-054 1984-85 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—ALLOWABLE EXPENDITURE. School districts shall expend discretionary remediation assistance program revenue only in the allowable objects of expenditure as specified for the remediation program in the accounting manual for the public school districts in the state of Washington.

NEW SECTION

WAC 392-140-055 1984-85 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—END OF YEAR REPORT. Districts shall submit to the superintendent of public instruction at the close of the program year an end-of-year report on forms provided by the superintendent of public instruction which includes number of students served by grade level, basic skills area, ethnicity, and gender.

NEW SECTION

WAC 392-140-056 1984-85 RAP, GRADES SEVEN THROUGH NINE—PROGRAM REQUIREMENT—PROGRAM EVALUATION. The district shall use a nationally normed standardized test score to evaluate educational achievement of students participating in the discretionary remediation assistance program. Resulting data shall be reported annually to the superintendent of public instruction on provided forms.

NEW SECTION

WAC 392-140-057 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT 7-9 FTE ENROLLMENT. As used in this chapter, the term "district 7-9 FTE enrollment" shall mean that enrollment reported pursuant to WAC 392-121-105(3) by the district for grades seven through nine.

NEW SECTION

WAC 392-140-058 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT RAP PERCENTAGE. As used in this chapter, the term "district RAP percentage" shall mean the percentage of students who scored in the lowest quartile of the basic skills test conducted in the 1983-84 school year pursuant to RCW 28A.03.360.

NEW SECTION

WAC 392-140-059 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT HANDICAPPED ENROLLMENT FOR AGES SEVEN TO FOURTEEN. As used in this chapter "district handicapped enrollment for age seven to fourteen" shall mean that enrollment reported by the district pursuant to WAC 392-171-135 excluding those students reported pursuant to WAC 392-122-135 (1) and (3) for students whose chronological age is seven to fourteen years inclusive.

NEW SECTION

WAC 392-140-060 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—LIKE SERVICES FACTOR. As used in this chapter "like services factor" shall mean that uniformly applied percentage calculated by the superintendent of public instruction based on data from the basic skills test conducted pursuant to RCW 28A.03.360 involving handicapped students who took the basic skills test and scored in the lowest quartile.

NEW SECTION

WAC 392-140-061 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—DISTRICT GRADES SEVEN THROUGH NINE SERVICE POPULATION. As used in this chapter "district grades seven through nine remediation service population" shall mean the result obtained from the following calculation:

- (1) Multiply the district 7-9 FTE enrollment by the district RAP percentage;
- (2) Multiply the district handicapped enrollment for ages seven through fourteen by the like services factor;
- (3) Subtract the result obtained in subsection (2) of this section from the result obtained in subsection (1) of this section; and
- (4) In the event the result obtained in subsection (3) of this section is a negative number, the district shall not receive moneys for the purposes of WAC 392-140-045 through 392-140-064.

NEW SECTION

WAC 392-140-062 1984-85 RAP, GRADES SEVEN THROUGH NINE—DEFINITION—PER STUDENT SUPPORT LEVEL. As used in this chapter the term "per student support level" shall mean the amount of money calculated by the superintendent of public instruction based upon the state's total service population and available appropriation authority. In no case shall the per student support level exceed three hundred dollars.

NEW SECTION

WAC 392-140-063 1984-85 RAP, GRADES SEVEN THROUGH NINE—DISTRICT ALLOCATION. The district allocation shall be determined by the superintendent of public instruction by multiplying the result obtained in WAC 392-140-061 by the result obtained in WAC 392-140-062.

NEW SECTION

WAC 392-140-064 1984-85 RAP, GRADES SEVEN THROUGH NINE—DISTRIBUTION OF STATE MONEYS FOR THE STATE REMEDIATION ASSISTANCE PROGRAM GRADES SEVEN THROUGH NINE. The superintendent of public instruction shall apportion to districts the amount calculated per district in WAC 392-140-063 in monthly payments according to the schedule depicted in RCW 28A.48.010 that shall be adjusted in intervals to reflect the changes in each district's 1984-85 grades seven through nine annual average full time equivalent enrollment, 1984-85 handicapped enrollment for ages seven to fourteen, and the 1984-85 like services factor.

**WSR 84-17-124
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION**

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Transportation—Specifications for school buses, chapter 392-143 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 46.61.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-143 WAC, Transportation—Specifications for school buses.

Rule Section(s): WAC 392-143-001 Authority; 392-143-010 Definitions; 392-143-015 School bus specifications manual; 392-143-030 Initial inspection of school buses—Permit and license; 392-143-035 Routine inspection of school buses; 392-143-040 Other required inspections of school buses; 392-143-050 Resold school buses; 392-143-060 School bus specifications continued compliance; 392-143-065 School bus tires; and 392-143-070 Other vehicles used to transport students.

Statutory Authority: RCW 46.61.380.

Purpose of the Rule(s): To set forth state policies and procedures for specifications of school buses.

Summary of the New Rule(s) and/or Amendments: WAC 392-143-001 sets forth authority for this chapter; 392-143-010 clarifies agency intent; 392-143-015 housekeeping change; 392-143-030 housekeeping change; 392-143-035 housekeeping change; 392-143-040 establishes state policies regarding interior renovation or refurbishment; and 392-143-050 housekeeping change.

Reasons Which Support the Proposed Action(s): Agency rules are silent on interior changes of buses and need for inspection.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Aside from new policy regarding interior renovation or refurbishment, the proposed rules are housekeeping changes with substantive significance.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-001 AUTHORITY. The authority for this chapter is RCW 46.61.380 which authorizes the superintendent of public instruction to adopt and enforce regulations to govern the design, marking, and mode of operation of all school buses transporting common school students.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-010 DEFINITIONS. As used in this chapter and subject to the "School bus specifications," as now or hereafter established by the superintendent of public instruction, the term:

(1) "School bus" shall mean every vehicle with a seating capacity of more than ten persons including the driver regularly used to transport students to and from school or in connection with school activities.

(2) A Type "A" school bus shall mean a conversion or body constructed upon a van-type compact truck or a front-section vehicle(;;) with a gross vehicle weight rating of 10,000 pounds or less(;;) and designed for carrying more than ten persons, including the driver.

(3) A Type "B" school bus shall mean a conversion or body constructed and installed upon a van or front-section vehicle chassis(;;) or stripped chassis(;;) with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons(~~Most of~~), and where most of the engine is beneath and/or behind the windshield and beside the driver's seat(;;) and the entrance door is behind the front wheels.

(4) A Type "C" school bus shall mean a body installed upon a flat back cowl chassis with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons(;;), and where all of the engine is in front of the windshield and the entrance door is behind the front wheels. A Type "C" school bus (~~may~~) shall also mean a body installed on a stripped chassis with a vehicle weight rating of more than 10,000 pounds, designed for carrying 35/36 passengers or more(;;), and where part of the engine is beneath and/or behind the windshield and beside the driver's seat(;;) and the entrance door is behind the front wheels.

(5) A Type "D" school bus shall mean a body installed upon a chassis, with the engine mounted in the front, midship, or rear, with a gross vehicle weight rating of more than 10,000 pounds, designed for carrying more than ten persons(;;), and where the engine (~~may be~~) is behind the windshield and beside the driver's seat(~~it may be~~) or at the rear of the bus, behind the rear wheels, or midship between the front and rear axles(;;) and the entrance door is ahead of the front wheels.

(6) A school bus designed to transport special education students shall mean any Type A, B, C, or D school bus as defined in this section which has been modified to transport special education students.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-015 SCHOOL BUS SPECIFICATIONS MANUAL. The superintendent of public instruction shall publish and distribute to each school district a school bus specification manual which shall be referred to as "School Bus Specifications." Such manual shall incorporate all specifications required by the federal department of transportation motor vehicle safety standards and govern the specifications for all school buses. Such manual is hereby incorporated into this chapter by reference. Prior to any revision of the school bus specification manual, the superintendent of public instruction shall serve notice to interested parties and shall hold at least one public hearing.

AMENDATORY SECTION (Amending Order 84-1, filed 1/5/84)

WAC 392-143-030 INITIAL INSPECTION OF SCHOOL BUSES—PERMIT AND LICENSE. All school buses, as a condition for ~~(its)~~ use to transport students, shall have a school bus operation permit issued in accordance with WAC 392-142-065. If the school bus is approved in compliance with WAC 392-142-060, the superintendent shall send three copies of the school bus operation permit to the appropriate school district. The original ~~(and such other information as is requested by the superintendent)~~ shall be retained by the school district; one copy shall be placed in the permit holder in the school bus; and one copy shall be presented to the county auditor, along with the operator's application for an exempt state license for the bus if applicable. County auditors shall not issue an exempt license for the bus unless a school bus operation permit accompanies the application for a license. All inspections of new school buses shall be made prior to the delivery to the purchaser.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-035 ROUTINE INSPECTION OF SCHOOL BUSES. All school buses shall be inspected annually by the Washington state patrol. ~~(These)~~ Inspection dates and centers shall be determined by the superintendent of public instruction and the chief of the state patrol. School districts shall be notified by the chief of the state patrol prior to each annual inspection of the time and place of inspection. School buses not presented for inspection at the time and

place scheduled by the chief of the state patrol shall not be operated as a school bus unless the requirement is temporarily waived in writing by the chief of the state patrol or until the school bus has passed a required inspection. A second inspection of at least twenty-five percent of each school district's fleet shall be conducted annually by the Washington state patrol. This second inspection shall be unannounced and the inspection team shall select which buses in the fleet it will inspect. These unannounced inspections shall be scheduled so that they do not disrupt the regular transportation program.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-040 OTHER REQUIRED INSPECTIONS OF SCHOOL BUSES. All school buses which have been rebuilt, (~~and/or~~) have received a major modification (~~and/or~~), have received a major repair, or have received an interior renovation or refurbishment shall be inspected prior to transporting students in accordance with the following criteria:

(1) A rebuilt school bus: For the purpose of this section, a rebuilt school bus shall fully comply with all current Washington specifications at the time the school bus is rebuilt(;) and shall be inspected in accordance with WAC 392-143-030.

(2) A school bus receiving a major modification: For the purpose of this section, school bus modifications (e.g., hydraulic lift and/or ramp for wheelchairs) (~~must~~) shall meet all current state of Washington specifications at the time the major modification is made and shall be inspected in accordance with WAC 392-143-030.

(3) A school bus receiving a major repair (not routine maintenance): For the purpose of this section, a school bus that has received repairs to or rebuilding of the frame, steering, suspension, or braking systems or has been repowered(;) shall be identified as (~~that~~) needing inspection. Any repairs made shall meet or exceed Washington specifications in effect at the time of the original manufacturing date of the bus and shall be inspected in the same manner as a new school bus with emphasis on mechanical safety items.

(4) A school bus receiving an interior renovation or refurbishment (not routine seat repair): For the purpose of this section, a school bus that has received an interior renovation or refurbishment shall be identified as needing inspection. Renovation or refurbishment of interiors shall meet the Federal Motor Vehicle Safety Standard (FMVSS) 222 and shall be inspected in the same manner as a new school bus with respect to FMVSS 222.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-050 RESOLD SCHOOL BUSES. A school district which sells a school bus to anyone other than another school district shall be responsible for removing the school district's name(;) and number and all lettering(;) and markings(;) identifying the vehicle as a school bus prior to its delivery to the purchaser. However, if the district sells the school bus to a private party who certifies in writing that the school bus shall be used as a private carrier bus, the district need not remove the emergency lights and stop signal paddle.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-060 SCHOOL BUS SPECIFICATIONS CONTINUED COMPLIANCE. School districts shall maintain all school buses in such condition that they shall continue to meet or exceed Washington state specifications in effect when the bus was manufactured, except as such standards or specifications (~~were~~) are subsequently repealed or reduced.

AMENDATORY SECTION (Amending Order 83-13, filed 10/10/83)

WAC 392-143-065 SCHOOL BUS TIRES. No school bus shall be operated with regrooved, recapped, or retreaded tires on the front wheels.

AMENDATORY SECTION (Amending Order 84-1, filed 1/5/84)

WAC 392-143-070 OTHER VEHICLES USED TO TRANSPORT STUDENTS. All vehicles with a seating capacity including the driver of ten persons or less(;) shall not be required to meet school bus specifications. Such vehicles regularly used to transport students to

and from school or in connection with school activities(~~must~~) shall carry the approved school bus first aid kit, fire extinguisher, and high-way warning kit. These vehicles also (~~must~~) shall pass a safety inspection routinely conducted at the intervals outlined in WAC 392-143-035.

Students, while being transported in any vehicle not required to meet school bus specifications but used (m) for to and from school transportation and to and from school activities transportation, shall share the same compartment and shall be provided the same general safety and comfort as the driver.

WSR 84-17-125
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Transportation—Operation rules, chapter 392-145 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 46.61.380.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-145 WAC, Transportation—Operation rules.

Rule Section(s): WAC 392-145-005 Purpose and definition of "school bus"; 392-145-015 General operating regulations; 392-145-020 Rules for school bus drivers; 392-145-025 Additional rules for school bus drivers; 392-145-030 Additional rules for school bus drivers; 392-145-035 Rules for students riding school buses; and 392-145-040 Emergency exit procedures.

Statutory Authority: RCW 46.61.380.

Purpose of the Rule(s): To set forth state policies and procedures governing the operation of school buses.

Summary of the New Rule(s) and/or Amendments: WAC 392-145-005 clarifies language; 392-145-015 clarifies language and elimination of bus inspection which is required by chapter 392-143 WAC; 392-145-020 clarifies language; 392-145-025 clarifies language; 392-145-030 clarifies language and changes visibility distance from 800 to 500 feet; 392-145-035 clarifies language; and 392-145-040 clarifies language.

Reasons Which Support the Proposed Action(s): Primarily housekeeping except for WAC 392-145-030

where visibility is reduced from 800 to 500 feet to reflect current and safe practice.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Perry Keithley, SPI, 3-6742; and Implementation: Don Carnahan, SPI, 3-0235.

The Rule(s) is (are) Necessary as the Result of Federal Law, Federal Court Action or State Court Action: No.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matter Pertaining to the Rule(s): Except for WAC 392-145-030, the changes are housekeeping and are not substantive changes.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-145-005 PURPOSE(S) AND DEFINITION OF "SCHOOL BUS." The purpose(s) of this chapter ((are)) is to ((implement RCW 46.61.380 and)) establish the manner of operating all school buses owned and operated by any school district and all school buses which are privately owned and operated under contract or otherwise with any school district in the state for the transportation of ((school children (s))) students((s)). The provisions of this chapter shall be incorporated by express reference into all school district contracts for the transportation of ((school children)) students in privately owned and operated school buses. Every school district, its officers and employees, and every person employed under contract or otherwise by a school district shall be subject to the applicable provisions of this chapter.

This chapter does not apply to the operation of buses by common carriers in the urban transportation of ((school children)) students (e.g., the transportation of ((school children)) students via a municipal transit system).

The definition of "school bus" as the term is used in this chapter shall be as now or hereafter set forth in WAC 392-143-010.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-145-015 GENERAL OPERATING REGULATIONS. (1) Every school district board of directors shall adopt written policies or rules implementing the provisions and objectives of WAC 392-145-035. District policies or rules governing student conduct during the course of transportation shall be established and implemented pursuant to the state board of education ((^{"Student rights and responsibilities code,"})), chapter 180-40 WAC, as now or hereafter amended.

(2) All school bus drivers shall meet the qualifications established in chapter 180-20 WAC, as now or hereafter amended.

(3) Each school bus driver shall hold a valid and current first aid card which certifies that he/she has completed a course in the basic principles of first aid within the past three years.

(4) When a teacher, coach, or other certificated staff member is assigned to accompany students on a bus, such person shall be ((primarily)) responsible for the behavior of the students in ((their)) his or her charge. However, the bus driver shall have final authority and responsibility.

(5) Heavy, sharp, bulky, and/or other articles which may be hazardous in the event of an accident or an emergency stop shall not be transported in the passenger area of any school bus. Specific attention is directed to items such as skis, ski poles, vaulting poles, musical instruments, riser platforms, etc.

(6) Teachers and all other school district staff members shall ((refrain from requesting)) be notified that students shall not be requested to transport prohibited items between home and school on a school bus. Items which shall not be transported within the passenger area of a school bus also shall include all forms of animal life (except seeing eye dogs), firearms, weapons, breakable containers, flammables, and all other articles which could adversely affect the safety of the bus and passengers.

(7) A school bus driver shall not order or allow a student to depart the bus other than at his or her boarding or alighting place except as provided in WAC 392-145-020(7).

(8) Motor fuel shall not be put into the tank while the engine is running or while passengers are on the bus.

(9) All school buses shall operate with their headlights on when carrying passengers.

~~((10) Every school bus operated by or in behalf of a school district shall be presented to the Washington state patrol for safety inspections at such times and places as are hereafter designated by the Washington state patrol and/or the superintendent of public instruction.))~~

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-145-020 RULES FOR SCHOOL BUS DRIVERS.

(1) Every school bus driver shall be provided a copy of and shall be thoroughly familiar with all state and local rules and regulations pertaining to the operation of the school bus in his/her charge.

(2) No school bus driver shall allow a passenger or other unauthorized person to operate the school bus at any time((~~nor shall any~~)) no person except the driver shall be allowed to sit in the driver's seat.

(3) No school bus driver shall leave the driver's seat without first setting the brakes, shutting off the motor, placing the bus in gear, and removing the ignition key from the lock. The keys shall be kept in the driver's or other authorized school official's possession.

(4) School bus drivers shall have the primary responsibility for the safety of passengers while they are boarding the bus, while they are on the bus, and while they are disembarking the bus and crossing the roadway. If passengers must cross the road, the driver shall take reasonable action to assure that they cross safely. The driver shall take reasonable action to assure that passengers boarding or disembarking from the bus are within his/her view at all times and that they pass in front of the bus and never behind the bus.

(5) No school bus driver except in accordance with emergency procedures adopted by the district shall leave the immediate vicinity of his/her bus while there are passengers aboard. In the event of a bus breakdown, assistance shall be sought in accordance with local district policy.

(6) School bus drivers shall pick up only the students and persons designated by an authorized school district administrator.

(7) A student may be permitted to leave the bus at other than his or her regular stop((~~provided that~~)) if permission is first obtained pursuant to district policy.

(8) School bus drivers, prior to commencement of any trip, shall assure that the windshield and rear window of the bus are clean.

(9) Tools and other miscellaneous articles shall be carried in appropriate compartments. They shall not be carried loose upon the floor of the bus.

(10) School bus drivers shall be certain that all brakes, lights, stop signs, warning signal lamps, and other safety devices are working properly before starting on any trip and shall assure that the bus is equipped with a first aid kit and a fire extinguisher.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-145-025 ADDITIONAL RULES FOR SCHOOL BUS DRIVERS.

(1) School bus drivers shall check the latch, safety lock, and warning system for emergency doors daily((:)) and no bus ((may)) shall be operated with passengers aboard if the emergency exit is not functioning properly.

(2) No bus containing passengers shall be in motion with any of the exit doors open or partly open.

(3) School bus drivers shall immediately report any suspected malfunction or needed repair of the school bus in their charge.

(4) School bus drivers shall observe all driving regulations set forth in the laws of the state of Washington relating to the operation of motor vehicles at all times.

(5) The speed of a school bus shall not be allowed to exceed the legal truck speed or any other applicable posted speed limit.

(6) When it is necessary to overtake and pass a slow moving vehicle, school bus drivers shall take reasonable action to assure that no third vehicle is drawing near. There shall be a visual road clearance of at least 800 feet on the road surface.

(7) All buses shall slow down to ten miles an hour or less and give the proper signal before making a ninety degree right or left turn.

~~((8) The speed of a school bus shall not exceed 10 miles per hour when passing another school bus which has stopped to load or unload~~

~~students when loading or unloading may be done without the use of the stop sign and warning signal lamps))~~ No school bus shall pass a stopped school bus which is loading or unloading students when the stopped school bus is displaying a stop sign and red flashing lights. In any case in which a school bus passes a stopped school bus which is loading and unloading students, but is not displaying a stop sign and red flashing lights, the passing school bus shall not exceed a speed of ten miles per hour.

(9) School bus drivers shall not change gears while proceeding downhill. Necessary gear changes shall be made before starting down a hill.

(10) No school bus driver shall disengage the clutch and allow the bus to coast.

(11) Backing a school bus is prohibited unless an adult flagman assists or an emergency exists. In the event of an emergency, backing of a bus shall be permitted only when there is no danger to pedestrians or passengers. Any deviation from this regulation shall ~~((first be approved))~~ require prior approval by an authorized school district administrator.

(12) School bus drivers shall yield the right of way to emergency vehicles.

AMENDATORY SECTION (Amending Order 80-28, filed 7/21/80)

WAC 392-145-030 ADDITIONAL RULES FOR SCHOOL BUS DRIVERS. (1) All school buses shall stop at all railroad crossings except:

(a) Where traffic is controlled by a police officer or duly authorized flagman;

(b) Where traffic is regulated by a traffic control signal;

(c) Where traffic is protected by crossing gates or an alternately flashing light signal intended to give warning of the approach of a railroad train;

(d) Where an official traffic control device gives notice that the stopping requirements do not apply.

(2) The driver shall open the door to listen for approaching trains and shall not proceed until the door is closed, visibility is clear, and the bus can proceed with safety. Drivers shall not change gears while the bus is crossing a railroad track.

(3) No bus shall stop on a curve or a hill where visibility is not at least ~~((800))~~ 500 feet. If it is impossible to secure a distance of at least ~~((800))~~ 500 feet for a bus stop, the school authorities ~~((and))~~, the state patrol and the traffic engineering department of the jurisdiction responsible for the roadway shall be advised and the stop shall be changed or proper signs installed. ~~((Exception: Within areas of posted speed limits of 35 miles per hour or less, visibility of 300 feet is permissible.))~~

(4) All changes in the direction of a school bus shall be indicated by the use of electrical directional signals on the bus. ~~((A right directional signal shall be used to indicate that the bus is going to pull off the roadway.))~~

(5) Prior to stopping the school bus for the purpose of receiving or discharging passengers, school bus drivers shall activate the alternating amber flashing warning lamps by means of a master sequencing switch. The driver shall activate the amber warning lamps:

(a) No less than 100 feet ~~((nor))~~ and no more than 300 feet from the bus stop where the posted speed limit is 35 miles per hour or less; and

(b) No less than 300 feet ~~((nor))~~ and no more than 500 feet from the bus stop where the posted speed limit is more than 35 miles per hour.

(6) No school bus shall pull over to the left-hand side of the road to load or unload.

(7) The stop sign on the left side of a school bus shall not be used to indicate that the bus is going to stop. The stop sign and red flashing lamps shall be displayed at all times a school bus is receiving or discharging passengers except:

(a) When passengers do not have to cross a highway and the bus is stopped completely off the traveled portion of the roadway, or

(b) When a school bus is stopped at an intersection or place where traffic is controlled by a traffic officer or official traffic signal, or

(c) When a school bus is stopped upon school grounds for the purpose of receiving or discharging passengers, and passengers are not required to cross the roadway.

(8) School bus drivers shall proceed with caution when passing or meeting a school bus but are not required to come to a stop unless the school bus stop sign and red flashing lights of the other bus are displayed.

(9) In order to lessen the potential for collisions, school bus drivers may use 4-way hazard warning lights within 500 feet prior to stopping for a railroad crossing or where a special hazard exists such as dense traffic conditions(;) or adverse weather conditions, or where the necessary school bus speed is substantially below the posted speed limit. This procedure ~~((may))~~ shall be used only on buses equipped with amber 4-way hazard warning lights on the front and rear of the school bus.

AMENDATORY SECTION (Amending Order 7-75, filed 12/22/75)

WAC 392-145-035 RULES FOR STUDENTS RIDING SCHOOL BUSES. All school district boards of directors shall adopt written policies or rules and provide instructions for passengers riding school buses not inconsistent with applicable state law and rules. A copy of these policies or rules shall be ~~((posted in each school bus))~~ provided each student who is scheduled to ride the school bus. The policies or rules shall include, but not necessarily be limited to, the following:

(1) Identification of the individual who has authority over the passengers.

(2) Student riding privileges.

(3) Procedures prior to loading, e.g., ~~((parents))~~ students must cross highway only in front and never behind school bus.

(4) Loading and unloading procedures and seat assignments.

(5) ~~((Parent))~~ Student conduct.

(6) Acceptable practices with respect to talking, moving around the bus, use of windows, and other behavior.

(7) Unacceptable hazards that may cause injury to others, e.g., firearms, breakable containers, etc.

(8) Bus cleanliness.

(9) Emergency exit procedures.

AMENDATORY SECTION (Amending Order 19-76, filed 12/31/76)

WAC 392-145-040 EMERGENCY EXIT PROCEDURES. (1) All school districts operating or contracting for school bus transportation services shall prepare written policies or rules which establish procedures for bus safety and emergency exit drills.

(2) One emergency evacuation drill shall be held within the first six weeks of school each semester. ~~((If it is not possible for a school district to do so within this period, a makeup drill shall be scheduled as soon as possible.))~~

(3) The first exit drill shall be followed by at least one verbal review of the emergency exit drill prior to the second exit drill.

(4) Only those passengers whose participation in an exit drill poses substantial difficulty to themselves or to other passengers shall be excused and/or excluded from exit drill participation. Passengers who are excluded from such participation shall receive oral instruction in bus safety and exit drills at least three times during the school year.

(5) Drills shall be held upon school premises. Drills on the highway are only warranted under conditions necessary for "life and emergency safety."

WSR 84-17-126 PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special service program—Transitional bilingual, chapter 392-160 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.58.808.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-160 WAC, Special service program—Transitional bilingual.

Rule Section(s): WAC 392-160-005 Definitions; 392-160-010 School district board of directors duties; 392-160-015 Identification of eligible students; 392-160-020 Approved tests for determining initial eligibility—English proficiency scores; 392-160-028 Content of district application; 392-160-035 Three year limitation—Testing—Program exit requirements; 392-160-040 Alternative instructional program; and 392-160-045 Handicapped students—No transitional bilingual entitlement.

Statutory Authority: RCW 28A.58.808.

Purpose of the Rule(s): To establish state policies and procedures for approval of transitional bilingual education programs offered by school districts.

Summary of the New Rule(s) and/or Amendments: WAC 392-160-005 changes pupil to students; 392-160-010 changes pupil to students; 392-160-015 changes pupil to students; 392-160-020 changes pupil to students and substitutes English deficiency standard for specific test scores; 392-160-026 changes pupil to students; 392-160-028 changes pupil to students; 392-160-035 changes pupil to students; 392-160-040 changes pupil to students; and 392-160-045 changes pupil to students.

Reasons Which Support the Proposed Action(s): The term "student" is inconsistent with other language in chapter 392-160 WAC.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Mona Bailey, SPI, 3-6701; and Implementation: Keith Crosby, SPI, 3-2563.

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 Matter Pertaining to the Rule(s): These rule changes are primarily housekeeping in nature.

Chapter 392-160 WAC
SPECIAL SERVICE PROGRAM—TRANSITIONAL BILINGUAL ((INSTRUCTION))

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-005 DEFINITIONS. As used in this chapter:

(1) "Transitional bilingual instruction" means a system of instruction which:

(a) Uses two languages, one of which is English, as a means of instruction to build upon and expand language skills to enable a ((pup)) student to achieve competency in English;

(b) Introduces concepts and information in the primary language of a ((pupit)) student and reinforces them in the English language; and

(c) Tests ((pupits)) students in the subject matter in English.

(2) "Primary language" means the language most often used by a ((pupit)) student (not necessarily by parents, guardians, or others) for communication in the ((pupit's)) student's place of residence.

(3) "Eligible ((pupit)) student" means any ((pupit)) student who meets the following two conditions:

(a) The primary language of the ((pupit)) student must be other than English; and

(b) The ((pupit's)) student's English skills must be sufficiently deficient or absent to impair learning.

(4) "Alternative instructional program" means a program of instruction which may include English as a second language and is designed to enable the ((pupit)) student to achieve competency in English.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-010 SCHOOL DISTRICT BOARD OF DIRECTORS DUTIES. Consistent with the provisions of this chapter, every school district board of directors:

(1) Shall make available to each eligible ((pupit)) student a transitional bilingual instruction or, if the use of two languages is not practicable as provided in WAC 392-160-040, an alternative instructional program;

(2) Shall communicate, whenever feasible, with parents of students in the bilingual program in a language they can understand; and

(3) Shall provide in-service training for teachers, counselors, and other staff who are involved in the district's transitional bilingual program, including alternative instructional programs, on appropriate instructional strategies for ((children)) students of culturally different backgrounds((;)) and use of curriculum materials and program models.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-015 IDENTIFICATION OF ELIGIBLE ((PUPHLS)) STUDENTS. (1) District procedures—Identification of primary language required: Every school district board of directors shall adopt written procedures governing the identification of each ((pupit's)) student's primary language and the determination of which ((pupit's)) students with a primary language other than English are eligible ((pupit's)) students. Such procedures shall include:

(a) Provisions for the identification of a ((pupit's)) student's primary language pursuant to an interview with or a written questionnaire directed to the ((pupit)) student and the ((pupit's)) student's parent(s) or guardian(s), or a combination of interviews and written questionnaires; and

(b) Provisions for testing ((pupit's)) students as provided for in this section, WAC 392-160-020, and 392-160-035.

(2) Deadline for determining eligibility of newly enrolled ((pupit's)) students: The primary language and eligibility of each newly enrolled ((pupit)) student shall be established no later than the twentieth school day after the date upon which the ((pupit)) student commences attendance at a particular school district.

(3) Newly enrolled ((pupit's)) students who speak little or no English—Determination of eligibility: The eligibility of a newly enrolled ((pupit)) student whose eligibility is reasonably apparent by reason of:

(a) The ((pupit's)) student's ability to communicate reasonably well in his or her non-English primary language; and

(b) The ((pupit's)) student's inability to communicate in English to any practical extent as determined by an interview with the ((pupit)) student by appropriate school district staff. No other approved test need be administered if the professional judgment of the school personnel is that the ((pupit)) student is eligible as defined in WAC 392-160-005(3).

(4) All other newly enrolled ((pupit's)) students—Determination of eligibility: The eligibility of all newly enrolled ((pupit's)) students:

(a) Who have a primary language other than English; and

(b) Whose eligibility is not reasonably apparent by reason of the standards established by subsection (3) shall be determined pursuant to WAC 392-160-020.

(5) Annual reassessment of all ((pupils)) students required: Each school year each ((pupil)) student who has previously been identified as eligible and admitted to a bilingual instruction or alternative instruction program shall be identified as eligible or ineligible each school year pursuant to the administration of a standardized test as set forth in WAC 392-160-035.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-020 APPROVED TESTS FOR DETERMINING INITIAL ELIGIBILITY—ENGLISH PROFICIENCY SCORES. (1) Approved English proficiency tests: The following tests are approved for the purpose of annually determining the English proficiency of newly enrolled ((pupils)) students (other than those who speak little or no English) whose primary language is other than English:

- (a) Language assessment scales (LAS);
- (b) Basic inventory of natural language (BINL); and
- (c) Bilingual syntax measure (BSM).

(2) Scores which establish an English skills deficiency: In the event a ((pupil)) student scores within ((one-of)) the ((following ranges)) appropriate range provided by the test maker to establish such English skill deficiency, the ((pupils)) student's English skills shall be deemed sufficiently deficient or absent to impair learning((:

- (a) Language assessment scales. Three or below;
- (b) Basic inventory of natural language;
 - (i) Grades K-2, 0-50;
 - (ii) Grades 3-8, 0-75;
 - (iii) Grades 9-12, 0-100;
- (c) Bilingual syntax measure:
 - (i) Level II, four or below; and
 - (ii) Level I, three or below;))

(3) The superintendent of public instruction may approve a school district request for use of a test other than those approved for use in this section when such request is supported by evidence that:

- (a) The approved tests for use identified in this section are either unsuitable, inappropriate, or impractical for use by the school district;
- (b) The scores that establish English skills deficiency for the requested test correspond with the scores that establish English skills deficiency for approved tests identified in this section; and
- (c) The skills being measured by the requested test correspond to the skills measured by the approved tests identified in this section.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-026 DISTRICT APPLICATION. Each school district that seeks an allocation of state funds for a transitional bilingual instruction program shall submit a program approval application to the superintendent of public instruction no later than August 1 of each year: PROVIDED, That in the case of extenuating circumstances or in the case of a change in circumstances such as the unexpected enrollment of eligible ((pupils)) students the superintendent of public instruction may allow the belated submission of an application or the submission of a modification to a previously approved application. The application shall apply to programs to be conducted during the ensuing school year and shall provide data and information in accordance with instructions and forms now or hereafter established and published by the superintendent of public instruction in bulletins distributed to school districts.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-028 CONTENT OF DISTRICT APPLICATION. The districts annual application shall contain the following:

- (1) The number of eligible ((pupils)) students served during the current school year and the estimated number to be served in the next school year for each non-English primary language spoken;
- (2) A description of the approved tests to be used in the next school year to determine ((pupil)) student eligibility;
- (3) The estimated number of ((pupils)) students who will be enrolled during the next school year in a program funded pursuant to this chapter in excess of three school years (i.e., 540 school days or portions thereof). The numbers of such ((pupils)) students shall be identified by the non-English primary language spoken and the type of program to be provided (i.e., bilingual or alternative instructional program);

(4) The number of ((pupils)) students who have been enrolled in a program funded pursuant to this chapter in excess of three school years who are currently served identified by the non-English primary language spoken by each ((pupil)) student and the type of program provided each ((pupil)) student;

(5) A description of the bilingual instruction and alternative instructional programs planned for the next school year; and

(6) A description of the in-service training program that is planned for the next school year.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-035 THREE YEAR LIMITATION—TESTING—PROGRAM EXIT REQUIREMENTS. (1) No ((pupil)) student shall continue to be entitled to a transitional bilingual or alternative instructional program after the ((pupil)) student has received instruction in a transitional bilingual or alternative instructional program conducted pursuant to this chapter within any one or more school districts for a period of three school years (i.e., 540 school days or portions thereof): PROVIDED, That each such ((pupil)) student who is unable to demonstrate an improvement in English language skills that is sufficient to overcome the ((pupils)) student's learning impairment (i.e., unable to score above the 35th percentile on an approved test) shall continue to be entitled to an approved bilingual instruction or alternative instructional program.

(2) The approved test for measurement of improvement in English language skills for purposes of exit from transitional bilingual or alternative instructional programs shall be any nationally normed standardized achievement test normally administered by a school district to its ((pupils)) students.

(3) No ((pupil)) student shall be entitled to continued enrollment in a transitional bilingual or alternative program once the ((pupil)) student has scored above the 35th percentile on the reading and language arts portions of a nationally normed standardized test appropriate for the ((pupils)) student's age and grade level.

AMENDATORY SECTION (Amending Order 84-17, filed 6/13/84)

WAC 392-160-040 ALTERNATIVE INSTRUCTIONAL PROGRAM. School districts under one or more of the following conditions may elect to provide an alternative instructional program:

(1) Necessary instructional materials are unavailable and the district has made reasonable efforts to obtain necessary materials without success;

(2) The capacity of the district's bilingual instruction program is temporarily exceeded by an unexpected increase in the enrollment of eligible ((pupils)) students;

(3) Bilingual instruction cannot be provided affected ((pupils)) students without substantially impairing their basic education program because of their disbursement throughout many grade levels or schools, or both; or

(4) Teachers who are trained in bilingual education methods and sufficiently skilled in the non-English primary language(s) are unavailable, and the district has made reasonable attempts to obtain the services of such teachers.

AMENDATORY SECTION (Amending Order 81-4, filed 7/22/81)

WAC 392-160-045 HANDICAPPED ((PUPILS)) STUDENTS—NO TRANSITIONAL BILINGUAL ENTITLEMENT. Notwithstanding any other provision of this chapter to the contrary, any eligible ((pupil)) student whose English language skill deficiency is caused primarily by one or more of the handicapping conditions defined in chapter 392-171 WAC, as now or hereafter amended, shall not be eligible for the entitlement established pursuant to this chapter.

WSR 84-17-127

PROPOSED RULES SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of

Public Instruction intends to adopt, amend, or repeal rules concerning Special service program—Remediation assistance, chapter 392-162 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.41.408.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-162 WAC, Special service program—Remediation assistance.

Rule Section(s): WAC 392-162-045 Definition—Like services.

Statutory Authority: RCW 28A.41.408.

Purpose of the Rule(s): To define like services.

Summary of the New Rule(s) and/or Amendments: WAC 392-162-045 eliminates word "supplementary."

Reasons Which Support the Proposed Action(s): The term supplementary implies something other than "special education."

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Judy Schrag, SPI, 4-1842; and Implementation: June Peck, SPI, 3-3220.

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 Matter Pertaining to the Rule(s): Amendment clarifies agency intent.

AMENDATORY SECTION (Amending Order 84-21, filed 6/28/84)

WAC 392-162-045 DEFINITION—LIKE SERVICES. As used in this chapter, the term "like services" shall mean the same as "like needs" specified in RCW 28A.41.406 — namely, programs conducted pursuant to chapter 28A.13 RCW which provide ((supplementary)) services designed to meet the special educational needs of participating students. However, the term "like services" does not include communication disorder or physical or occupational therapy services if the student is receiving no other special education instruction.

WSR 84-17-128

PROPOSED RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special service program—Chapter 1 regular of the Education Consolidation and Improvement Act of 1981, financial assistance to local school districts, chapter 392-163 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.02.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-163 WAC, Special service program—Chapter 1 regular of the Education Consolidation and Improvement Act of 1981, financial assistance to local school districts.

Rule Section(s): WAC 392-163-105 Purpose; 392-163-110 Accountability; 392-163-115 Definition—Chapter 1 regular; 392-163-120 Definition—Accounting manual; 392-163-125 Definition—Object of expenditure; 392-163-130 Definition—Activity; 392-163-140 Definition—Direct expenditure; 392-163-142 Definition—Indirect expenditure; 392-163-145 Definition—Revenue account; 392-163-180 Definition—Children; 392-163-186 Definition—Eligible student; 392-163-236 Definition—Participating children; 392-163-237 Definition—Continuing need of special assistance; 392-163-260 Definition—Consultation with parents and teachers and other interested parties; 392-163-265 Definition—Prudent and justifiable reserve; 392-163-270 Definition—Population shifts; 392-163-275 Definition—Changing economic circumstances; 392-163-280 Definition—Services of the same nature and scope; 392-163-299 Selection of attendance areas for districts with under one thousand students—Program exemption; 392-163-300 Selection of attendance areas—Project requirement; 392-163-305 Annual needs assessment—Program requirement; 392-163-306 Serving students in greatest need—Program requirement; 392-163-310 Parent/teacher and community involvement in program planning—Program requirement; 392-163-320 Substance of annual school district application; 392-163-335 Board certification; 392-163-360 Supervisory expenditures;

392-163-362 Reallocation of Chapter 1 regular moneys in excess of a prudent and justifiable reserve; 392-163-363 Reallocation of Chapter 1 regular moneys—Waiver of limit; 392-163-364 Reallocation of Chapter 1 regular moneys—Application for available excess carryover; 392-163-365 End-of-year report—Annual requirement; 392-163-375 Program evaluation; 392-163-385 Comparability of services—Computation basis; 392-163-435 Program compliance review; and 392-163-460 Approval of Chapter 1 regular program application by the office of the Superintendent of Public Instruction.

Statutory Authority: RCW 28A.02.100.

Purpose of the Rule(s): [No information supplied by agency.]

Summary of the New Rule(s) and/or Amendments: WAC 392-163-105 sets forth the purpose for this chapter; 392-163-110 removes comma; 392-163-115 amends definition of Chapter 1 regular; 392-163-120 amends definition of accounting manual; 392-163-125 removes unnecessary punctuation; 392-163-130 restates SPI form number; 392-163-140 changes term "expense" to "expenditure"; 392-163-142 changes term "expense" to "expenditure"; 392-163-145 amends definition of revenue account; 392-163-180 amends definition of children; 392-163-186 defines eligible student; 392-163-236 defines participating children; 392-163-237 defines continuing need of special assistance; 392-163-260 amends definition of parent/teacher consultation; 392-163-265 defines prudent and justifiable reserve; 392-163-270 defines population shifts; 392-163-275 defines changing economic circumstances; 392-163-280 defines services of the same nature and scope; 392-163-299 provides program exception in target selection for districts under 1,000 students; 392-163-300 amends selection of attendance areas to incorporate federal technical amendments; 392-163-305 amends annual needs assessment requirement to include consideration of sustained gains; 392-163-306 requires serving students in greatest need; 392-163-310 amends parent/teacher consultation requirement to include an annual meeting; 392-163-320 amends requirements; 392-163-360 changes term "costs" to "expenditures"; 392-163-362 sets forth basis for reallocation of Chapter 1 regular moneys in excess of a prudent and justifiable reserve; 392-163-363 allows waiver for limit on prudent and justifiable reserve; 392-163-364 sets forth application process for reallocation money; 392-163-365 amends end-of-year report requirement to include federal technical amendments requirements; 392-163-375 amends evaluation requirements to include use of sustained gains data; 392-163-385 amends comparability requirements to incorporate new federal language; 392-163-435 establishes guidelines for program compliance reviews; and 392-163-460 changes punctuation and capitalization in subsection (2).

Reasons Which Support the Proposed Action(s): Amendments clarify agency intent and incorporates federal technical amendments.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Judy Schrag, SPI, 4-1842; and Implementation: Judi Billings, SPI, 3-3220.

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 Matter Pertaining to the Rule(s): The amendments are primarily of a technical nature and reflect current policy.

Chapter 392-163 WAC
SPECIAL SERVICE PROGRAM((S))—CHAPTER 1 REGULAR
OF THE EDUCATION CONSOLIDATION AND IMPROVE-
MENT ACT OF 1981, FINANCIAL ASSISTANCE TO LOCAL
SCHOOL DISTRICTS

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-105 PURPOSE. The ((provisions)) purpose of this chapter ((are designed)) is to ensure compliance by the state of Washington with the financial assistance to local school districts' provisions, including those which apply to private schools and local institutions for neglected and delinquent children, of Chapter 1 Regular of the Education Consolidation and Improvement Act of 1981 and accompanying federal rules and regulations, particularly 34 CFR Part 200.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-110 ACCOUNTABILITY. Nothing in this chapter shall be construed to relieve a school district of its responsibility to comply also with all applicable federal statutes, rules, and regulations.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-115 DEFINITION—CHAPTER 1 REGULAR. As used in this chapter, the term "Chapter 1 Regular" shall mean that ((portion)) part of Public Law 97-35 which is commonly referred to as Chapter 1 of the Education Consolidation and Improvement Act of 1981 ((Public Law 97-35)) which provides financial assistance to school districts to meet special educational needs of disadvantaged children.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-120 DEFINITION—ACCOUNTING MANUAL. As used in this chapter, the term "accounting manual" shall mean the most recently published accounting manual for public school districts in the state of Washington issued ((September 1982,)) by the superintendent of public instruction and the state auditor.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-125 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.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-130 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 and for Chapter 1 Regular shall include all activities listed on ((Budget)) Form SPI F-1000B CH-1.

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-140 DEFINITION—DIRECT ((~~EXPENSE~~)) EXPENDITURE. As used in this chapter, the term "direct ((~~expense~~)) expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those elements of cost which can be easily, obviously and conveniently identified with specific programs ((~~of cost~~))").

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-142 DEFINITION—INDIRECT ((~~EXPENSE~~)) EXPENDITURE. As used in this chapter, the term "indirect ((~~expense~~)) expenditure" shall be as defined in the accounting manual glossary of terms (i.e., "those expenditure elements ((~~of cost~~)) that cannot be easily, obviously, and conveniently identified with specific programs ((~~of cost~~))"). For Chapter 1 Regular, each district shall be entitled to the restricted indirect ((~~expense~~)) expenditure rate established and disseminated annually to school districts by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-145 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 assets of a fund of a school district during a ((given)) fiscal period ((~~to a fund of a school district in the form of cash which does not accompany the incurrence of liabilities or represent refund of previous disbursements~~)) that is available to finance the fund's expenditures during the fiscal period").

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-180 DEFINITION—CHILDREN. As used in this chapter, the term "children" shall mean persons up to age twenty-one as defined in WAC 392-121-170 ((~~who are entitled to a free public education not above grade twelve~~)) and persons who are of pre-school age.

NEW SECTION

WAC 392-163-186 DEFINITION—ELIGIBLE STUDENT. As used in this chapter, the term "eligible student" shall mean an educationally deprived child who resides in an attendance area or a school determined to be eligible under the provisions of P.L. 97-35 as amended by P.L. 98-211, Sections 556(b)(1)(A), (B), and (d)(i), (2), (3), (4), (5), and (9) and WAC 392-163-300: PROVIDED, That an educationally deprived child who begins participation in a program or project in an eligible attendance area and in the same year is transferred by the school district to an unserved attendance area or school building shall remain eligible to receive Chapter 1 regular services for the remainder of such year.

NEW SECTION

WAC 392-163-236 DEFINITION—PARTICIPATING CHILDREN. As used in this chapter, the term "participating children" shall mean those educationally deprived children in greatest need of special assistance, as determined on the basis of school district established selection criteria, residing in eligible served attendance areas or attending served schools, who are selected to receive services in the Chapter 1 Regular program: PROVIDED, That the exception in WAC 392-163-186 for children transferred during the same school year shall apply to this section.

NEW SECTION

WAC 392-163-237 DEFINITION—CONTINUING NEED OF SPECIAL ASSISTANCE. As used in this chapter, the term "continuing need of special assistance" refers to those educationally deprived children who in any previous year were identified as being in greatest need of assistance and who continue to achieve below the level that is appropriate for children of their age although they do not qualify as in greatest need.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-260 DEFINITION—CONSULTATION WITH PARENTS AND TEACHERS AND OTHER INTERESTED PARTIES. As used in this chapter, the term "consultation with parents and teachers and other interested parties" shall mean planned, systematic contact with parents((~~and~~)), teachers, and administrators of children being served by Chapter 1 Regular((~~;~~))—including parents ((~~and~~)), teachers, and administrators of served private school children((~~;~~))—and other interested parents, teachers, administrators, groups, and parties in the design and implementation of the Chapter 1 Regular program, including discussion of program revenue and expenditures.

NEW SECTION

WAC 392-163-265 DEFINITION—PRUDENT AND JUSTIFIABLE RESERVE. As used in this chapter, the term "prudent and justifiable reserve" shall mean no more than fifteen percent of a school district's available Chapter 1 Regular money for a given fiscal year, i.e., carryover from the previous year plus the current year's allocation.

NEW SECTION

WAC 392-163-270 DEFINITION—POPULATION SHIFTS. As used in this chapter, the term "population shifts" shall mean an increase or decrease of fifteen percent or more in the population of a school district over a period of not more than five years.

NEW SECTION

WAC 392-163-275 DEFINITION—CHANGING ECONOMIC CIRCUMSTANCES. As used in this chapter, the term "changing economic circumstances" shall mean an increase of fifteen percent or more in the number of children from low income families as defined in WAC 392-163-190.

NEW SECTION

WAC 392-163-280 DEFINITION—SERVICES OF THE SAME NATURE AND SCOPE. As used in this chapter, the term "services of the same nature and scope" shall mean the provision with nonfederal moneys of supplemental education services which are consistent with the requirements of section 131(c) of ESEA Title I, Public Law 95-561.

NEW SECTION

WAC 392-163-299 SELECTION OF ATTENDANCE AREAS FOR DISTRICTS WITH UNDER ONE THOUSAND STUDENTS—PROGRAM EXEMPTION. Any school district with fewer than one thousand full time equivalent students enrolled shall be exempt from the requirements of WAC 392-163-300. Such districts shall not be required to select attendance areas and all schools within the district shall be eligible to receive Chapter 1 Regular services. For purposes of documenting enrollment, the school district may select any enrollment from among the attendance reports submitted to the superintendent of public instruction for the current year. Such enrollment figure, and the date which it represents, shall be recorded on the target selection page of the Chapter 1 Regular application for the succeeding year.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-300 SELECTION OF ATTENDANCE AREAS—PROJECT REQUIREMENT. Each school district receiving Chapter 1 Regular moneys, except as otherwise exempted under WAC 392-163-299, shall select attendance areas to receive Chapter 1 Regular services on one or a combination of the following bases:

- (1) Highest concentration of low income children. The district may select those attendance areas district-wide or by grade span grouping having the highest number or percentage of low income children.
- (2) Uniformly high concentration of low income children. The district may select all attendance areas district-wide or within a designated grade span grouping if the variation between the attendance areas with the highest and lowest percentage of low income children is not more than ten percent, or one-third of the district-wide low income average.
- (3) Twenty-five percent rule. The district may select attendance areas in which the percent of low income students equals or exceeds twenty-five percent of the attendance area enrollment.

(4) Transition. The district may select an attendance area which was eligible in the preceding school year in order to provide service for one additional year to phase out the program. If, however, the school attendance area is substantially different than it was in the preceding fiscal year because of attendance area boundary adjustments, the attendance area may not be served on this basis.

(5) ~~((Service to all educationally deprived, low income children. A part of Chapter 1 Regular moneys may be used to provide significant help for all low income educationally deprived children served by the district. The district shall use all other Chapter 1 Regular moneys in attendance area(s) selected on one or more of the bases listed above:))~~ Substantially higher educational deprivation. A district may designate as eligible and serve school attendance areas with substantially higher numbers or percentages of educationally deprived children before school attendance areas with higher concentrations of children from low income families: PROVIDED, That Chapter 1 Regular services shall be extended to no more attendance areas than could otherwise be served: PROVIDED FURTHER, That the school district shall include in its application to the superintendent of public instruction information requested to demonstrate (a) the substantially higher number or percentage of educationally deprived children in school attendance areas so selected; and (b) that Chapter 1 services to educationally deprived children from low income families in project areas will not be substantially impaired.

(6) Proportions of average daily attendance. A district may designate as eligible and serve a school which is not located in an eligible attendance area but has among its average daily attendance a proportion of children from low income families which is substantially equal to the proportion of such children in an eligible school attendance area of the district. The application submitted by the school district to the superintendent of public instruction shall demonstrate comparable proportions of children from low income families.

(7) Nonfederally funded services. A district may elect to skip an eligible school attendance area if such area is receiving from nonfederal moneys, services of the same nature and scope as would be provided with Chapter 1 Regular moneys: PROVIDED, That children attending participating private schools who reside in such attendance areas shall be considered to be eligible students under WAC 392-163-186 and shall be identified and served, when appropriate, in accordance with WAC 392-163-180, 392-163-185, 392-163-235, 392-163-305 and 392-163-306.

(8) School-wide project. A school district may designate a school serving an attendance area with at least seventy-five percent of the children from low income families as a school-wide project, in which instance the district may upgrade the entire educational program in that school in the same manner and only to the same extent as permitted under subsection 133(b) of the Elementary and Secondary Education Act of 1965: PROVIDED, That paragraph (4) of such section shall not apply.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-305 ANNUAL NEEDS ASSESSMENT—PROGRAM REQUIREMENT. Each school district receiving Chapter 1 Regular moneys shall base its Chapter 1 Regular program on an annual assessment of educational needs which shall include, at a minimum, a review of fourth grade test data in basic skills ~~((and))~~, assessment of Chapter 1 Regular funded support services, and consideration of evaluation data related to whether improved student achievement is sustained over a period of more than one year. The needs assessment further shall:

- (1) Identify educationally deprived children in all eligible attendance areas, including educationally deprived children in participating private schools;
- (2) Permit the selection of those educationally deprived children in greatest need of special assistance; and
- (3) Assess and determine the educational needs of each child selected to participate so that there exists reasonable promise of substantial progress toward meeting the identified educational needs of children being served.

NEW SECTION

WAC 392-163-306 SERVING STUDENTS IN GREATEST NEED—PROGRAM REQUIREMENT. The school district shall include among the educationally deprived children selected to be served those children who have the greatest need for special assistance: PROVIDED, That children who were in greatest need the previous year

and are still in need may continue to be served: PROVIDED FURTHER, That the school district shall not be required to serve children in greatest need with Chapter 1 Regular moneys if such children are receiving from nonfederal sources services of the same nature and scope as would otherwise be provided by Chapter 1 Regular moneys.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-310 PARENT/TEACHER AND COMMUNITY INVOLVEMENT IN PROGRAM PLANNING—PROGRAM REQUIREMENT. Each school district that seeks an allocation of funds under Chapter 1 Regular shall consult with parents and teachers of Chapter 1 Regular served children and other interested parties in preparing the proposed program design and planned expenditures submitted by the designated local administrator to the school district board of directors for adoption. Such ~~((parent/teacher))~~ consultation shall include an annual public meeting to which parents of all eligible students shall be invited to explain to parents the programs and activities provided with Chapter 1 Regular moneys, and shall be documented to demonstrate compliance with this section.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-320 SUBSTANCE OF ANNUAL SCHOOL DISTRICT APPLICATION. The school district's annual application required by WAC 392-163-315 shall contain the following:

- (1) Planned expenditures by program object and activity as required by WAC 392-163-325.
- (2) Identification of eligible attendance areas selected to receive Chapter 1 Regular services: PROVIDED, That the exemption prescribed in WAC 392-163-299 shall apply.
- (3) Program and project descriptions on forms provided by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-335 BOARD CERTIFICATION. The board of directors shall, as a part of application approval, certify to the superintendent of public instruction that in their opinion:

- (1) The school district has included among the educationally deprived children to be served, those children in greatest need of special assistance;
- (2) The approved program is of sufficient size, scope, and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served;
- ~~((2))~~ (3) The school district has complied with the provisions of this chapter, and shall further certify that;
- ~~((3))~~ (4) In order to meet federal comparability requirements, the board of directors has:
 - (a) Established a district-wide salary schedule;
 - (b) Adopted a policy to ensure equivalence among all schools in teachers, administrators, and auxiliary personnel; and
 - (c) Adopted a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-360 SUPERVISORY ~~((COSTS))~~ EXPENDITURES. A school district that charges any portion of supervisory ~~((costs))~~ expenditures to the Chapter 1 Regular program shall document such costs, including the proportion of supervisory FTE so designated.

NEW SECTION

WAC 392-163-362 REALLOCATION OF CHAPTER 1 REGULAR MONEYS IN EXCESS OF A PRUDENT AND JUSTIFIABLE RESERVE. In accordance with federal regulation 34 CFR 200.45, a school district is hereby limited to carry over no more than a prudent and justifiable reserve of available Chapter 1 money to the succeeding year. Available moneys for any year equals the sum of the current year's allocation plus carryover money from the immediately preceding fiscal year. Carryover in excess of a prudent and justifiable reserve will be reallocated by the superintendent of public instruction to school districts which can demonstrate need based on "inequities inherent in or hardships caused by the application of the allocation provisions in Section 111(a) of Title I as a result of factors like population shifts and changing economic circumstances" (34 CFR 200.45(b)(1)).

To implement reallocation of Chapter 1 Regular moneys the following requirements and procedures for school districts and the superintendent of public instruction are hereby established:

(1) No school district's annual application shall be approved by the superintendent of public instruction unless such application includes budgeted expenditures equal to at least eighty-five percent of the district's announced or estimated Chapter 1 Regular allocation.

(2) Upon receipt of the school district's Chapter 1 Regular final expenditure report for any fiscal year the superintendent of public instruction shall determine if the expenditures budgeted in its current application are at least eighty-five percent of the total amount of Chapter 1 Regular moneys available for the current year, i.e. current year Chapter 1 allocation plus carryover from the immediately preceding fiscal year.

(3) If the total amount budgeted is less than eighty-five percent of the total money available, the superintendent of public instruction shall notify the district of the additional amount it must budget to achieve the eighty-five percent requirement.

(4) Upon receipt of such notification, a school district shall submit a revised Chapter 1 budget to the superintendent of public instruction within twenty calendar days or shall submit on forms provided by the superintendent of public instruction for that purpose, a rationale explaining why the district is planning to retain more than a prudent and justifiable reserve of Chapter 1 Regular moneys.

(5) The superintendent of public instruction shall by April 1 of each year notify any district which is substantially underspending its Chapter 1 Regular budget that moneys in excess of fifteen percent of the total amount available for the current year which are not budgeted and/or appear, on the basis of expenditure reports, unlikely to be spent, will be made available for reallocation. The district shall have fifteen days following such notification to submit a request for revision or a request for a waiver of the carryover limit for sufficient cause.

NEW SECTION

WAC 392-163-363 REALLOCATION OF CHAPTER 1 REGULAR MONEYS—WAIVER OF LIMIT. Notwithstanding the requirements of WAC 392-163-362 a school district may request a waiver to allow the carryover of more than a prudent and justifiable reserve for a succeeding year:

(1) The request shall be made in writing to the superintendent of public instruction no later than April 30 of the current year.

(2) The request shall specify the total amount the district proposes to carry over, the purpose/activities for which the money will be expended in the succeeding year, and the rationale for the planned expenditure pattern.

(3) The request shall be approved by the school district board of directors.

(4) The district shall not submit waiver requests for more than two consecutive years.

The superintendent of public instruction shall notify the school district within thirty days of the receipt of the request of the acceptance or rejection of the request for waiver of the carryover limit for the succeeding year.

Notwithstanding the granting of a waiver request, if the school district does not expend its excess carryover in the succeeding year for the activities and purposes outlined in its waiver request, such excess shall be withheld and made available for reallocation the succeeding May.

NEW SECTION

WAC 392-163-364 REALLOCATION OF CHAPTER 1 REGULAR MONEYS—APPLICATION FOR AVAILABLE EXCESS CARRYOVER. The superintendent of public instruction shall invite school districts meeting the conditions of 34 CFR 200.45(b)(1) to submit applications for reallocation money no later than June 1 of each year. Applications shall include the following:

(1) Statement of need supported by evidence of hardship and/or inequity caused by changing economic circumstances or population shifts.

(2) Proposed budget of expenditures on Form 1000B CH. 1 and instructional component design.

(3) Assurance that the school district does not have sufficient funds in its regular Chapter 1 Regular allocation to cover the additional costs.

(4) Approval by the school district board of directors.

No later than December 30 of the succeeding year, the superintendent of public instruction shall notify districts of the approval of their

application for reallocation moneys, and shall indicate the amount of reallocation money which shall be made available to the district for the school year.

The annual Chapter 1 Regular application for the school year in which the money is reallocated shall be considered to be amended in accordance with the application for reallocation money received and approved by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-365 END-OF-YEAR REPORT—ANNUAL REQUIREMENT. Each school district that receives an allocation of funds under Chapter 1 Regular 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 and shall contain all information requested, including data on the race, age, and gender of children served by the Chapter 1 Regular program and on the number of children served by grade level.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-375 PROGRAM EVALUATION. Each school district that receives an allocation of moneys under Chapter 1 Regular shall use the Title I Evaluation and Reporting System (TIERS) for reporting student impact data to the superintendent of public instruction on forms provided by that office when requested by the superintendent of public instruction. In addition, each district shall determine whether improved student achievement is sustained over a period of more than one program year, and shall consider that data in the improvement of programs and projects assisted with Chapter 1 Regular moneys.

AMENDATORY SECTION (Amending Order 83-8, filed 8/17/83)

WAC 392-163-385 COMPARABILITY OF SERVICES—COMPUTATION BASIS. (1) In order to demonstrate comparability, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of FTE student/instructional staff ratios in all nonserved schools: PROVIDED, That if all schools within the district are served with Chapter 1 Regular moneys, a school district shall compare the FTE student/instructional staff ratio in each Chapter 1 Regular served school with an average of the FTE student/instructional staff ratio in Chapter 1 Regular served schools having the lowest percent or number of low income students, this base being not more than half the total number of schools being served, using for the computation FTE student enrollment divided by nonfederally funded FTE certificated and classified staff in Activity 27: PROVIDED FURTHER, That at its discretion, a district also may include in its calculation other instructional staff in Activities 22, 23, 24, and 25.

(2) A district shall be deemed to have demonstrated comparability if it meets the definition of equivalence established in WAC 392-163-215.

(3) In assembling the data for the computation the school district may:

(a) Disregard schools with a total student enrollment of fewer than one hundred FTE students;

(b) Divide schools into no more than four grade span groupings;

(c) Divide schools into two groups, larger and smaller, for each grade span grouping if policies or agreements established by the school district board of directors require different teacher/pupil ratios based on individual school population characteristics. If a district chooses to use this option, it shall use only instructional staff in Activity code 27 in the comparability calculation;

(d) Exclude from its calculation FTE instructional staff who are supported with state and/or local moneys for special programs designed to meet the needs of educationally deprived children, if such programs are consistent with the ~~((purposes of Chapter 1 Regular))~~ requirements of section 131(c) of the Elementary and Secondary Education Act of 1965; and/or

(e) Exclude from its calculation the portion of nonfederally supported FTE instructional staff time used to provide services exclusively to handicapped and/or bilingual programs.

(4) Student enrollment and instructional staff data used in the comparability report shall have been collected within the same calendar month. The computation based on that data shall be completed prior to December 1 of each school year.

NEW SECTION

WAC 392-163-435 PROGRAM COMPLIANCE REVIEW. The superintendent of public instruction shall conduct program compliance reviews of all school districts receiving Chapter 1 Regular moneys. Reviews of each school district shall occur at least once every three years. Upon receipt of the compliance review report from the superintendent of public instruction the school district shall have three weeks to respond to the superintendent of public instruction if there are exceptions noted in the report. Substantial noncompliance or failure by the school district to respond and/or initiate corrective action in a timely manner shall be subject to actions prescribed in WAC 392-163-450 and 392-163-455.

AMENDATORY SECTION (Amending Order 83-2, filed 3/30/83)

WAC 392-163-460 APPROVAL OF CHAPTER 1 REGULAR PROGRAM APPLICATION BY THE OFFICE OF THE SUPERINTENDENT OF PUBLIC INSTRUCTION. (1) Final approval of a Chapter 1 Regular program shall be given to a school district when the superintendent of public instruction has received a completed application in accordance with WAC 392-163-320 and 392-163-335 and 34 CFR 200.13 (a)(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 ((such)). The effective approval date ((to)) shall be July 1 of each year for applications received and approved prior to July 1, or the subsequent date on which the application is received and approved by 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 PL 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.

WSR 84-17-129
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION

[Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special education programs—Education for all handicapped children, chapter 392-171 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.13.070(7) and 28A.02.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-171 WAC, Special education programs—Education for all handicapped children.

Rule Section(s): WAC 392-171-596 Access rights; and 392-171-601 Record of access.

Statutory Authority: RCW 28A.13.070(7) and 28A.02.100.

Purpose of the Rule(s): To establish state policies and practices for state federal special education program.

Summary of the New Rule(s) and/or Amendments: WAC 392-171-596 adds language from federal regulations inadvertently not included in previous rule promulgation; and 392-171-601 clarifies caption.

Reasons Which Support the Proposed Action(s): To clarify agency intent.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Judy Schrag, SPI, 4-1842.

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 Matter Pertaining to the Rule(s): These amendments are housekeeping.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-596 ACCESS RIGHTS. (1) Each school district shall permit parents of handicapped students (or adult students) to inspect and review during school business hours any education records relating to their children or ward (or the adult student) which are collected, maintained, or used by the district under this chapter. The district shall comply with a request promptly and before any meeting regarding an individualized education program or hearing relating to the identification, evaluation, or placement of the student.

(2) The right to inspect and review education records under this section includes:

(a) The right to a response from the participating agency to reasonable requests for explanations and interpretations of the records;

(b) The right to request that the school district provide copies of the records containing the information if failure to provide those copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(c) The right to have a representative of the parent (or adult student) inspect and review records.

(3) A school district may presume that a parent has authority to inspect and review records relating to his or her child or ward unless the district has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, and divorce.

AMENDATORY SECTION (Amending Order 80-31, filed 8/19/80)

WAC 392-171-601 RECORD ((OR)) OF ACCESS. Each participating agency shall keep a record of parties obtaining access to education records collected, maintained, or used under this chapter (except access by parents, adult students, and authorized employees of the participating agency), including the name of the party, the date access was given, and the purpose for which the party is authorized to use the records.

WSR 84-17-130
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Special education programs—DSHS students, chapter 392-173 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.02.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-173 WAC, Special education programs—DSHS students.

Rule Section(s): WAC 392-173-003 Authority; 392-173-005 Purpose; 392-173-010 Definitions; 392-173-015 General duties of the Department of Social and Health Services and the Superintendent of Public Instruction; 392-173-020 Referral and admission to a residential school—Eligibility for immediate placement; 392-173-025 Assessment, individual education plan, least restrictive environment, placement options, annual review of placement, and notice; 392-173-030 Medical evaluation; 392-173-035 Education records; 392-173-040 Annual application; 392-173-045 Staff qualifications; 392-173-050 Monitoring; 392-173-055 Audits; 392-173-065 Program length; 392-173-075 Transportation and facilities; and 392-173-080 Decisions, appeals and citizen complaints regarding educational programming and exclusion from an educational program.

Statutory Authority: RCW 28A.02.100.

Purpose of the Rule(s): To set forth state policies and procedures for the conduct of special education programs in the Department of Social and Health Services.

Summary of the New Rule(s) and/or Amendments: WAC 392-173-003 establishes separate authority section; 392-173-005 reflects separate authority section; 392-173-010 clarifies language and age of students served; 392-173-015 clarifies language; 392-173-020 clarifies language; 392-173-025 clarifies language; 392-173-030 clarifies language; 392-173-035 clarifies language; 392-173-040 clarifies language; 392-173-045 clarifies language; 392-173-050 clarifies language; 392-173-055 corrects code reference; 392-173-065 clarifies

language; 392-173-075 clarifies language; and 392-173-080 clarifies language.

Reasons Which Support the Proposed Action(s): Clarifies language and policy.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Judy Schrag, SPI, 4-1842.

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 Matter Pertaining to the Rule(s): These amendments are primarily housekeeping.

Chapter 392-173 WAC
SPECIAL EDUCATION PROGRAMS—(~~STATE SCHOOLS FOR THE DEAF AND THE BLIND, AND EARLY CHILDHOOD DEVELOPMENTAL CENTERS~~)DSHS STUDENTS

NEW SECTION

WAC 392-173-003 AUTHORITY. The authority for this chapter is RCW 72.05.140 which requires educational programs operated by the department of social and health services to conform to standards defined by the state board of education or the office of superintendent of public instruction. Such authority is buttressed by RCW 28A.02.100 which authorizes the superintendent of public instruction to accept federal conditions upon the receipt of federal funds for educational programs operated by the department of social and health services and by Article III, section 22 of the state Constitution which requires the superintendent of public instruction to have supervision over all matters pertaining to the public schools.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-005 PURPOSE (~~AND AUTHORITY~~). The purpose of this chapter is to accommodate the unique goals and student population of the state schools for the deaf and the blind and the early childhood developmental centers operated by the department of social and health services by establishing the standards governing the development and implementation of special education and related services for handicapped residents of such schools who are under the age of twenty-one. This chapter applies to the maintenance and operation of such programs by the department of social and health services. (~~The authority for the adoption of this chapter is based upon RCW 72.05.140(2) and Article 3, section 22, of the state Constitution.~~)

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-010 DEFINITIONS. As used in this chapter: (1) "Department" shall mean the department of social and health services.

(2) The meaning of terms as used in this chapter shall be as provided in WAC 392-171-310, 392-171-311, 392-171-315, and 392-171-320.

(3) The term "schools" (~~as used in this chapter~~) shall mean the state schools for the deaf(;) and the blind(;) and the early childhood developmental centers.

(4) Early childhood developmental centers shall mean state/department supported community based programs for preschool students aged zero to ~~((two))~~ three.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-015 GENERAL DUTIES OF THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES AND THE SUPERINTENDENT OF PUBLIC INSTRUCTION. In recognition of the fact(s) that the department has the immediate statutory duty, authority, and responsibility to establish, maintain, operate, and administer a comprehensive program for the care, custody, control, and education of students at the state schools for the deaf(;) and the

blind and early childhood developmental centers; and that the superintendent of public instruction is charged with the responsibility of assisting the state schools so that the educational programs maintained therein shall be comparable to such programs provided for in chapter 392-171 WAC for children with similar aptitudes in local school districts; and that the superintendent of public instruction is appropriated federal funds for these programs from time to time and has the constitutional and statutory authority to supervise all matters pertaining to the public school system, the principal duties of the superintendent of public instruction and department shall be as follows:

(1) The superintendent of public instruction shall cooperate with the department in the exercise of powers granted by law with the objective of assuring each student an educational opportunity consistent with this chapter;

(2) The superintendent of public instruction defers to the authority and duty of the department regarding the operation and maintenance of educational programs for students in such schools;

(3) The superintendent of public instruction shall seek, allocate, and distribute federal funds made available for these programs on the condition that funds made available for the education of students be expended in compliance with the requirements of this chapter and other state or federal funding conditions; and

(4) The superintendent of public instruction shall provide the department with information and the advice and services of his or her staff necessary to achieve the purpose of this chapter to the extent the same are reasonably available.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-020 REFERRAL AND ADMISSION TO A RESIDENTIAL SCHOOL—ELIGIBILITY FOR IMMEDIATE PLACEMENT. Students admitted to the state school for the blind and the deaf shall be enrolled in an educational program within ten days of admittance. Students placed in an early childhood developmental center ~~((are))~~ shall be immediately eligible for an educational program.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-025 ASSESSMENT, INDIVIDUAL EDUCATION PLAN, LEAST RESTRICTIVE ENVIRONMENT, PLACEMENT OPTIONS, ANNUAL REVIEW OF PLACEMENT, AND NOTICE. The following provisions from chapter 392-171 WAC ~~((; education for all handicapped children;))~~ shall be applicable to students in such schools: WAC 392-171-346, 392-171-351, ~~((392-171-356;))~~ 392-171-366, 392-171-371, 392-171-456, 392-171-461, 392-171-471, 392-171-481, 392-171-511, 392-171-516, 392-171-521, and 392-171-526: PROVIDED, That in the case of students admitted to the state schools for the deaf ~~((;))~~ and the blind ~~((;))~~ and early childhood developmental centers, an assessment and an individual education plan ~~((must))~~ shall be completed within fifty days of enrollment.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-030 MEDICAL EVALUATION. Medical evaluation shall be the responsibility of the department whenever a handicapped student is suspected of having a health problem which may affect his or her educational program: PROVIDED, That medical evaluations at the expense of the department as otherwise in behalf of the department shall be obtained only:

(1) At the direction of or with prior approval of the department's designee, ~~((;))~~ except in the case of an independent assessment ordered pursuant to WAC 392-171-371 ~~((;))~~.

(2) In accordance with criteria established by the department, but not limited to, the location of the evaluation and report required.

(3) When the student's personal physician, if the student has a physician, has been involved in the planning.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-035 EDUCATION RECORDS. In addition to applicable laws on records and privacy for persons admitted to the state schools for the blind ~~((;))~~ and the deaf ~~((;))~~ and early childhood developmental centers ~~((;))~~ and the procedures, rules, and criteria of the department implementing such laws, the following provisions of

chapter 392-171 WAC ~~((; education for all handicapped children;))~~ on education records shall be applicable to students admitted to these schools: WAC 392-171-591, 392-171-596, 392-171-601, 392-171-606, 392-171-611, 392-171-616, 392-171-621, 392-171-636, and 392-171-641. Hearings initiated to challenge information contained in the education record shall be conducted according to applicable state and federal laws and department procedures, rules, and criteria implementing such laws.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-040 ANNUAL APPLICATION. The following provision from chapter 392-171 WAC ~~((; education for all handicapped children;))~~ shall be applicable as they relate to ESEA Title I, P. L. 89-313 funds: WAC 392-171-691, and 392-171-696.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-045 STAFF QUALIFICATIONS. WAC 392-171-701 shall be applicable to all employees of the state schools for the blind ~~((;))~~ and the deaf and early childhood developmental disability centers.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-050 MONITORING. WAC 392-171-731 shall be applicable for programs in the state schools for the blind ~~((;))~~ and the deaf ~~((;))~~ and early childhood developmental centers.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-055 AUDITS. WAC ~~392-171-736, 392-171-741, 392-171-746, 392-171-751, and 392-171-756~~ ~~((; and 392-171-736;))~~ shall be applicable for programs in the state schools for the blind ~~((;))~~ and the deaf and early childhood developmental centers: PROVIDED, That audits and recovery of funds distributed to such schools ~~((will))~~ shall be limited to federal ESEA Title I, P. L. 89-313 funds.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-065 PROGRAM LENGTH. WAC 392-171-721 shall be applicable ~~((for))~~ to all students provided for by this chapter.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-075 TRANSPORTATION AND FACILITIES. The department shall provide or make arrangements for the provision of transportation and facilities necessary or appropriate to the conduct of its educational program. All such service or physical elements in support of an educational program shall be provided in a manner and condition which reasonably assures the safety, health, and attainment of educational goals and objectives ~~((on the part of))~~ for each student.

AMENDATORY SECTION (Amending Order 80-30, filed 8/15/80)

WAC 392-173-080 DECISIONS, APPEALS AND CITIZEN COMPLAINTS REGARDING EDUCATIONAL PROGRAMMING AND EXCLUSION FROM AN EDUCATIONAL PROGRAM. (1) Decisions made by the state school for the deaf ~~((;))~~ and the blind and early childhood developmental centers regarding the educational program of a student or the student's total or partial exclusion therefrom shall be the responsibility of the department, as shall be complaints registered by any person, entity, or organization alleging one or more violations of this chapter.

(2) Appeals and complaints by a parent, guardian, or a surrogate parent shall be pursuant to procedures as now or hereafter established by the department: PROVIDED, That such procedures shall at least guarantee parents, guardians, surrogate parents, and others such notice and hearing rights as may now or hereafter be provided for in and pursuant to 20 USC § 1415 as amended by Public Law 94-142 including, but not limited to, prior notice of and a right to an impartial due process hearing in connection with decisions to initiate or change, or to refuse to initiate or change, the identification, evaluation, or educational placement of a student or the provision of an educational opportunity to a student.

WSR 84-17-131
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Equal educational opportunity—Sex discrimination prohibited, chapter 392-190 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.85.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-190 WAC, Equal educational opportunity—Sex discrimination prohibited.

Rule Section(s): WAC 392-190-003 Authority; 392-190-007 SPI rules supplementary to unlawful discrimination laws; 392-190-010 Counseling and guidance services—Career opportunities—Internal procedures; and 392-190-025 Recreational and athletic activities—Equal opportunity—Separate teams.

Statutory Authority: RCW 28A.85.020.

Purpose of the Rule(s): Primary purpose is to make clear law applies to districts and not individual acts of discrimination.

Summary of the New Rule(s) and/or Amendments: WAC 392-190-003 sets forth authority for this chapter; 392-190-007 makes clear that this chapter applies to district programs and not individual acts of discrimination which are governed by other state laws; 392-190-010 makes clear chapter applies to programs, not individuals; and 392-190-025 makes clear chapter does not apply to individuals.

Reasons Which Support the Proposed Action(s): Clarifies role of agency in sex discrimination matters.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Mona Bailey, SPI, 3-6701; and Implementation: Warren Burton, SPI, 3-2560.

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 Matter

Pertaining to the Rule(s): Chapter 49.60 RCW provides relief to individuals for specific acts of discrimination against individuals. Current chapter 392-190 WAC does not recognize the difference between program standards and individual causes of action.

NEW SECTION

WAC 392-190-003 AUTHORITY. The authority for this chapter is RCW 28A.85.020 which authorizes the superintendent of public instruction to adopt rules and regulations which prohibit policies and practices in districts that illegally discriminate on the basis of sex.

NEW SECTION

WAC 392-190-007 SPI RULES SUPPLEMENTARY TO UNLAWFUL DISCRIMINATION LAWS. The provisions of this chapter are supplementary to other acts that prohibit discrimination based on sex and which afford individual causes of action and remedies. The provisions of this chapter apply to district programs and policies and are not intended to provide individual relief from specific acts of discrimination.

AMENDATORY SECTION (Amending Order 80-26, filed 7/9/80)

WAC 392-190-010 COUNSELING AND GUIDANCE SERVICES—CAREER OPPORTUNITIES—INTERNAL PROCEDURES. (1) No school district shall engage in discrimination (~~against any person~~) on the basis of sex in the counseling or guidance (~~of~~) for students (~~in grades K-12~~).

(2) Each school district shall devise and use materials, orientation programs, and counseling techniques that will encourage participation in all school programs and courses of study based on factors other than sex and that encourage students to explore subjects and activities not heretofore traditional for their sex.

(3) Each school district which uses testing and other materials for appraising or counseling students shall not use different materials for students on the basis of their sex or use materials which permit or require different treatment of students on such basis unless (a) such different materials cover the same occupations and interest areas and (b) the use of such different materials is demonstrated to be essential to eliminate sex bias.

(4) Each school district shall develop and use internal procedures for ensuring that all tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement do not discriminate on the basis of sex: PROVIDED, That where the use of such instruments or materials or such programs or activities results in a substantially disproportionate number of members of one sex in any particular course of study or classification, the school district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination in the program or activity or in the instrument or material or its application: PROVIDED FURTHER, That where a school district finds that a particular class contains a substantially disproportionate number of individuals of one sex, the district shall take such immediate action as is necessary to assure itself that such disproportion is not the result of discrimination on the basis of sex in tests and appraisal instruments, career and vocational guidance materials, work/study programs and opportunities, and educational scheduling and/or placement or by counselors.

AMENDATORY SECTION (Amending Order 6-76, filed 5/17/76)

WAC 392-190-025 RECREATIONAL AND ATHLETIC ACTIVITIES—EQUAL OPPORTUNITY—SEPARATE TEAMS. (1) No (~~person shall, on the basis of sex, be excluded~~) school district shall exclude students on the basis of sex from participation in, or cause such students on the basis of sex to be denied the benefits of, or to be treated differently from (~~another~~) other persons or otherwise to be discriminated against in any interscholastic, club or intramural athletics or recreational activity offered by a school district(;;); and no school district shall provide any such athletics or recreational activity separately on such basis. Sports teams and programs offered by a school district (~~shall~~), regardless of their nature, shall be equally open to participation by qualified members of both sexes: PROVIDED, That in the case of sports and recreational activities offered for students in grades 7 through 12, a school district may maintain separate

teams for members of each sex if (a) it can clearly be shown, under the factual circumstances involved in the particular case, that the maintenance of separate teams for boys and girls truly constitutes the best method of providing both sexes, as a whole, with an equal opportunity to participate in the sports or games of their choice and (b) at the same time, a test of substantial equality between the two programs can be found to have been met.

(2) For the purpose of this section and WAC 392-190-050(2) "substantial equality" shall be determined by considering factors including but not limited to the following:

- (a) The relationship between the skill and compensation of coaching staffs;
- (b) The size of their budgets;
- (c) The quality of competition and game schedules;
- (d) Uniforms;
- (e) Equipment and facilities; and
- (f) Sufficient numbers of participants to warrant separate teams.

WSR 84-17-132
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning School personnel—Evaluation of the professional performance capabilities, chapter 392-191 WAC;

that the agency will at 9:00, Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.67.065.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet

Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-191 WAC, School personnel—Evaluation of the professional performance capabilities.

Rule Section(s): WAC 392-191-001 Authority; and 392-191-005 Purpose.

Statutory Authority: RCW 28A.67.065.

Purpose of the Rule(s): To make chapter consistent with others in Title 392 WAC.

Summary of the New Rule(s) and/or Amendments: WAC 392-191-001 sets forth the authority for this chapter; and 392-191-005 sets forth the purpose for this chapter.

Reasons Which Support the Proposed Action(s): Sets forth a separate section for authority and purpose consistent with the organization of Title 392 WAC.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Judy Schrag, SPI, 4-1842.

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 Matter Pertaining to the Rule(s): The proposed amendments are for organizational purposes of Title 392 WAC and do not constitute substantive change.

NEW SECTION

WAC 392-191-001 AUTHORITY. The authority for this chapter is RCW 28A.67.065 which authorizes the superintendent of public instruction to adopt minimum criteria for the evaluation by districts of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

AMENDATORY SECTION (Amending Order 20-76, filed 1/11/77)

WAC 392-191-005 PURPOSE. The purpose of this chapter is to ~~((implement RCW 28A.67.065 as now or hereafter amended, which directs the superintendent of public instruction to))~~ establish the minimum criteria to be adopted by districts for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.

~~((This chapter establishes the minimum criteria which each school district shall adopt for the evaluation of the professional performance capabilities and development of certificated classroom teachers and certificated support personnel.))~~

WSR 84-17-133
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning School personnel—In-service training program, chapter 392-195 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.71.210.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Frank Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-195 WAC, School personnel—In-service training program.

Rule Section(s): WAC 392-195-003 Authority; 392-195-005 Purpose; 392-195-010 Definitions; 392-195-015 Application to SPI for funding; 392-195-020 Allocation for funds by SPI; and 392-195-025 Program reports to SPI.

Statutory Authority: RCW 28A.71.210.

Purpose of the Rule(s): Code update to provide greater clarity.

Summary of the New Rule(s) and/or Amendments: WAC 392-195-003 sets forth authority for this chapter; 392-195-005 clarifies purpose for this chapter; 392-195-010 inserts a comma; 392-195-015 clarifies section caption; 392-195-020 clarifies section caption and eliminates unnecessary language; and 392-195-025 clarifies section caption.

Reasons Which Support the Proposed Action(s): Clarification of agency intent.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Implementation and Enforcement: Judy Schrag, SPI, 4-1842.

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 Matter Pertaining to the Rule(s): The proposed changes are housekeeping and make no substantive change.

NEW SECTION

WAC 392-195-003 AUTHORITY. The authority for this chapter is RCW 28A.71.210 which authorizes the superintendent of public instruction to adopt rules and regulations for the allocation of funds to common school districts and educational service districts for in-service training programs for certificated and classified personnel.

AMENDATORY SECTION (Amending Order 78-7, filed 9/6/78)

WAC 392-195-005 PURPOSE. The purpose of this chapter is to ~~((provide))~~ set forth policies and procedures for the allocation of state funds to school districts and educational service districts for in-service training programs ~~((pursuant to the In-Service Training Act of 1977, chapter 28A.71 RCW))~~.

AMENDATORY SECTION (Amending Order 78-7, filed 9/6/78)

WAC 392-195-010 DEFINITIONS. As used in this chapter:

- (1) "Applicants" shall mean common school districts and educational service districts.
- (2) "In-service training" shall mean a cooperatively planned program of training for job-related activities designed to increase the competencies of common school certificated and classified employees in the performance of their assigned responsibilities.
- (3) "Needs assessment" shall mean a systematic study of the educational needs of the community, staff, and students to be served.
- (4) "Funds" shall mean those funds appropriated by the legislature and available for the conduct and evaluation of in-service training programs.

AMENDATORY SECTION (Amending Order 11-79, filed 11/9/79)

WAC 392-195-015 APPLICATION TO SPI FOR FUNDING. Applicants shall request funds from the superintendent of public instruction in accordance with the provisions set forth below:

- (1) Applicants shall conduct a needs assessment.

(2) The board of an applicant shall appoint an advisory in-service training task force of members comprised of representatives from administrators, building principals, teachers, classified and support personnel employed by the applicant, an institution of higher education, and the general public in such numbers as shall be established by the applicant board of directors.

(3) The applicant shall establish written goals and objectives, identify training activities relevant thereto and design evaluation procedures and criteria which assess the degree and level of attainment of the goals and objectives.

(4) The task force shall review applications submitted pursuant to this chapter and suggest changes, if any, in direction, focus, or evaluation methods. No application will be accepted which is not approved by a majority vote of the task force.

(5) Nonpublic school personnel may be invited to participate in continuing professional development activities by the applicant.

(6) Funds shall supplement, not supplant, the existing staff development and in-service activities of an applicant.

AMENDATORY SECTION (Amending Order 78-7, filed 9/6/78)

WAC 392-195-020 ALLOCATION OF FUNDS BY SPI. The superintendent of public instruction ~~((or his or her designee))~~ shall evaluate each application approved by the applicant's task force and award funds to those programs which he or she deems to be in the best interest of the public school system. Consideration shall be given to:

- (1) The potential of the proposed training activities for accomplishing the stated objectives;
- (2) The extent to which the objectives are clearly defined and stated; and
- (3) The appropriateness of the evaluation design.

AMENDATORY SECTION (Amending Order 78-7, filed 9/6/78)

WAC 392-195-025 PROGRAM REPORTS TO SPI. Grantees shall report the results of their programs to the superintendent of public instruction. A financial report that sets forth the objects of expenditure, such as released time, contractual services, materials and supplies, and travel shall also be submitted to the superintendent of public instruction.

WSR 84-17-134
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Superintendent of Public Instruction intends to adopt, amend, or repeal rules concerning Employment discrimination, chapter 392-200 WAC;

that the agency will at 9:00 a.m., Tuesday, September 25, 1984, in the Old Capitol Building, Washington and Legion, State Board of Education Conference Room, 4th Floor, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 26, 1984.

The authority under which these rules are proposed is RCW 28A.85.020.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984
 By: Frank Brouillet
 Superintendent of Public Instruction

STATEMENT OF PURPOSE

Rule: Chapter 392-200 WAC, Employment discrimination.

Rule Section(s): WAC 392-200-003 Authority; and 392-200-005 Purpose.

Statutory Authority: RCW 28A.85.020.

Purpose of the Rule(s): Sets forth separate authority and purpose sections consistent with the organization of Title 392 WAC.

Summary of the New Rule(s) and/or Amendments: WAC 392-200-003 sets forth the authority for this chapter; and 392-200-005 sets forth the purpose for this chapter.

Reasons Which Support the Proposed Action(s): To make chapter consistent with others in Title 392 WAC.

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

Agency Personnel Responsible for Drafting: Ralph E. Julnes, SPI, 3-2298; Enforcement: Mona Bailey, SPI, 3-6701; and Implementation: Warren Burton, SPI, 3-2560.

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 Matter Pertaining to the Rule(s): Housekeeping amendments.

Chapter 392-200 WAC

SCHOOL PERSONNEL—(~~PUBLIC SCHOOLS~~) EMPLOYMENT DISCRIMINATION (~~PROHIBITED~~)

NEW SECTION

WAC 392-200-003 AUTHORITY. Partial authority for this chapter is RCW 28A.85.020 which authorizes the superintendent of public instruction to adopt rules and regulations for the elimination of sex discrimination in the common schools. Such authority is supplemented by RCW 28A.02.100 which authorizes the superintendent of public instruction to receive federal funds and distribute such funds in accordance with federal law and accompanying federal rules and regulations and by Article III, section 22 of the Washington state Constitution which authorizes the superintendent of public instruction to have supervision over the common schools.

AMENDATORY SECTION (Amending Order 6-76, filed 5/17/76)

WAC 392-200-005 PURPOSE(~~(—AUTHORITY)~~). (~~(It is)~~) The purpose of this chapter is to require each public school district to establish and implement affirmative action employment policies and programs to eliminate discrimination on the basis of sex, race, creed, color, national origin, marital status, age, or the presence of any sensory, mental, or physical handicap. (~~(The authority for the rules contained herein is founded upon chapter 28A.85 RCW and Article 3, section 22 of the Washington State Constitution.)~~)

WSR 84-17-135

NOTICE OF PUBLIC MEETINGS
CONSERVATION COMMISSION

[Memorandum—August 16, 1984]

The regular Conservation Commission meeting scheduled for "the third Thursday" (WAC 135-04-020) of September 1984 will be rescheduled to: September 13,

1984, 8:30 a.m., Thunderbird Motor Inn, 1225 North Wenatchee Avenue, Wenatchee, WA.

Please contact Shirley Casebier, Conservation Commission, Olympia, Washington 98504, phone: 459-6226 for further information.

Dates and places for other forthcoming meetings are yet to be determined.

WSR 84-17-136

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed August 22, 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 NPDES delegation, repealing WAC 173-06-065;

that the agency will at 2:00 p.m., Tuesday, September 25, 1984, in the Department of Ecology, Room 273, Abbott Rafael Hall, St. Martin's College Campus, Lacey, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.21A.060, 43.21A.080 and 43.21A.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 25, 1984.

Dated: August 22, 1984

By: Donald W. Moos
Director

STATEMENT OF PURPOSE

Title: WAC 173-06-065 NPDES delegation.

Description of Purpose: Repeal WAC 173-06-065.

Statutory Authority: RCW 43.21A.060, 43.21A.080 and 43.21A.090.

Summary of Rule: Specific delegation of signature authority.

Reasons Supporting Proposed Action: The rule was originally promulgated to prevent a conflict of interest which no longer exists.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Susan Greenland, 459-6144; and Don Dubois, 459-6053, MS PV-11.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: N/A.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-06-065 NPDES DELEGATION.

WSR 84-17-137
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
 [Order DE 84-31—Filed August 22, 1984]

I, Donald W. Moos, director of the Department of Ecology, do promulgate and adopt at Ecology Headquarters, St. Martin's College Campus, Lacey, the annexed rules relating to NPDES delegation, repealing WAC 173-06-065.

I, Donald W. Moos, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the rule was originally promulgated to prevent a conflict of interest which no longer exists.

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

This rule is promulgated pursuant to RCW 43.21A-.090 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 22, 1984.

By Donald W. Moos
 Director

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 173-06-065 NPDES DELEGATION.

WSR 84-17-138
PROPOSED RULES
HOSPITAL COMMISSION
 [Filed August 22, 1984]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Hospital Commission intends to adopt, amend, or repeal rules concerning the amending of chapters 261-02, 261-06, 261-10, 261-12, 261-20 and 261-40 WAC. All of the proposed amendments and new sections, except one, are necessary to bring the commission's rules into conformance with the changes in chapter 70.39 RCW as a result of SSB 4403. The amendment to WAC 261-20-045(1) institutes a cutoff period for submitting budget amendments. Budget submittals late in the fiscal year cannot be reviewed in time to update the data base for screening the budget for the following year. This amendment to WAC 261-20-045(1) will not allow the commission to accept an amendment request during the last 90 days of a hospital's fiscal year;

that the agency will at 10:00 a.m., Wednesday, September 26, 1984, in the Vance Airport Inn, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.39.180(1) and 34.04.020.

The specific statute these rules are intended to implement is chapter 70.39 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 21, 1984.

Dated: August 22, 1984

By: Maurice A. Click
 Executive Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapters: 261-02 Organization—Operations—Procedures; 261-06 Public records; 261-10 Assessments and related reports; 261-12 Rules for reporting hospital price information; 261-20 Regulations relating to, and establishment of a uniform system of accounting and financial reporting; and 261-40 Review and approval of annual budget submittals, rates, rate schedules, other charges and changes.

Statutory Authority: RCW 70.39.180(1).

Specific Statute that Rule is Intended to Implement: Chapter 70.39 RCW.

Reasons Supporting the Proposed Rules: SSB 4403, chapter 288, Laws of 1984, amended chapter 70.39 RCW. It is necessary to amend the commission's rules to incorporate the amendments to chapter 70.39 RCW.

The Agency Personnel Responsible for the Drafting, Implementation and Enforcement of These Rules: Mr. Maurice A. Click, Executive Director, and Ms. Mary K. Benson, Deputy Director, Washington State Hospital Commission, 206 Evergreen Plaza Building, 711 South Capitol Way, Olympia, WA 98504, (206) 753-1990.

Name of the Person or Organization Whether Private, Public or Governmental that is Proposing the Rule: Washington State Hospital Commission.

These rules are not necessary to comply with a federal law or a federal or state court decision.

Pursuant to RCW 19.85.040, the Hospital Commission submits the following small business economic impact statement. The proposed amendments retain provisions for alternative systems of financial reporting and modifications of the uniform reporting system which provides specialized and reduced reporting requirements for smaller hospitals: WAC 261-20-060 and 261-20-074. Hospital Commission staff believe that these provisions enable smaller hospitals to report the information required by the statute in the least onerous fashion.

AMENDATORY SECTION (Amending Order 73-01, filed 1/11/74)

WAC 261-02-030 DESCRIPTION OF ORGANIZATION. The commission is a (~~five-member~~) nine-member independent state agency with the authority over financial disclosure (~~and~~), budget (~~and~~), prospective rate (~~review~~) approval, and other (~~hospital~~) related matters. The executive head of the commission is a chairman who, like other commission members, is appointed by the governor.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-02-040 OPERATIONS AND PROCEDURES. (1) Vice chairman: By majority vote, the members of the commission shall elect from among themselves a vice chairman who shall act as chairman in the absence of the chairman. The vice chairman shall hold office for two years or until his successor is elected, whichever is later. Whenever a vacancy occurs in the office of vice chairman, the members of the commission shall elect a successor who shall serve out the remaining term of the prior vice chairman.

(2) Commission staff: The staff of the commission shall consist of a full-time executive director, a deputy director, an associate director for budget and rate review, an associate director for program planning and research, a confidential secretary and such other employees as are necessary to fulfill the responsibilities and duties of the commission. The executive director shall be the chief administrative officer of the commission and shall be subject to its direction. All other staff shall be under the supervision and direction of the executive director and the commission.

(3) Administrative office: The administrative office of the commission and its staff is located at 206 Evergreen Plaza Building, 711 South Capitol Way, Olympia, Washington 98504, which office shall be open each day for the transaction of business from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted).

(4) Address for communications: All communications with the commission including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, and these rules; requests for copies of the commission's decisions and other matters, shall be addressed as follows: Washington State Hospital Commission, c/o Public Records Officer, 206 Evergreen Plaza Building, 711 South Capitol Way, FJ-21, Olympia, Washington 98504.

(5) Communication with hospitals: The commission shall furnish a copy of any report regarding a hospital to the chief executive officer of the hospital and the presiding officer of the hospital's governing body.

(6) Commission meetings: The meetings of the commission shall be held on the second and fourth Thursdays of each month, beginning at 9:30 a.m. unless previously cancelled, moved or otherwise rescheduled, in which case such meetings shall be deemed a special meeting. The location of each meeting is announced in the agenda which is mailed to each person on the commission's general mailing list. Any person may be placed on that list by filing a written request.

The meetings of the commission are governed by the Washington State Open Public Meetings Act, chapter 42.30 RCW. In accordance with that act, all commission meetings will be open to the public except those portions which are governed by RCW 42.30.110 (executive sessions), RCW 42.30.140 (exceptions) or those portions which involve the attorney-client privilege.

~~((6))~~ (7) Quorum: ~~((Three))~~ Five members shall constitute a quorum, but a vacancy on the commission shall not impair its power to act. No action of the commission shall be effective unless ~~((three))~~ five members concur therein.

~~((7))~~ (8) Chairman's voting rights: The chairman shall have the right to vote on all matters before the commission, just as any other commission member.

~~((8))~~ (9) Minutes of meetings: Minutes shall be kept of the proceedings of an action taken by the commission.

~~((9))~~ (10) Rule of order: The commission shall generally follow Robert's Rules of Order in conducting its business meetings.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-06-030 PUBLIC RECORDS AVAILABLE. All public records of the commission, as defined in WAC 261-06-020 are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW ~~((42-17-310))~~ 42.17.250 through 42.17.340, 70.39.110, and WAC 261-06-080.

AMENDATORY SECTION (Amending Order 73-01, filed 1/11/74)

WAC 261-06-040 PUBLIC RECORDS OFFICER. The commission's public records shall be in the charge of the public records officer designated by the executive director of the commission. The person so designated shall be located in the administrative office of the commission. The public records officer shall be responsible for implementing the commission's rules and regulations regarding release of

public records, coordinating the staff of the commission in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-10-020 DEFINITIONS. As used in this chapter, unless the context requires otherwise,

(1) "Commission" shall mean the Washington state hospital commission created by chapter 70.39 RCW.

(2) "Hospital" shall mean any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

(3) "Gross operating costs" shall mean the sum of direct operating expenses required to be reported in cost centers 6000-8899, excluding the professional component of hospital-based physicians, and prior to the distribution of other operating revenue reported in accounts 5000-5799, all as specified in the manual adopted under WAC 261-20-030.

AMENDATORY SECTION (Amending Order 76-01, filed 2/13/76)

WAC 261-12-020 DEFINITIONS. As used in this chapter, unless the context requires otherwise,

(1) "Commission" means the Washington state hospital commission created by chapter 70.39 RCW;

(2) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination;

(3) "Price" means the amount of money demanded for each service, procedure, treatment, medication, or other hospital service provided a patient; the term "charge" as used in chapter 70.39 RCW may be a synonym;

(4) "Price schedule" means the compilation of prices;

(5) "Pricing policy" means the controlling principles, policies, and procedures adopted or utilized by a hospital in establishing its prices.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-010 PURPOSE. This chapter is adopted by the Washington state hospital commission pursuant to RCW 70.39.180 to implement the provisions of RCW 70.39.100, 70.39.110, 70.39.120, and 70.39.140 regarding the establishment of a uniform system of accounting, financial reporting, budgeting, cost allocation, and prospective rate setting for hospitals in Washington state. This system shall be utilized by each hospital to record and report to the commission its revenues, expenses, other income, other outlays, assets and liabilities, and units of service and to submit information, as may be required by the commission, pertaining to the total financial needs of the hospital and the resources available or expected to become available to meet such needs. This system is intended to carry out the commission's mandate to assure all purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-020 DEFINITIONS. As used in this chapter, unless the context requires otherwise,

(1) "Washington state hospital commission" and "commission" each shall mean the Washington state hospital commission created by chapter 70.39 RCW.

(2) "Hospital" shall mean any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination.

(3) "Basic service hospital" means a hospital classified in peer groups 1 and 2 or a specialty hospital having fewer than fifty licensed beds.

(4) "Manual" means the Washington State Hospital Commission Accounting and Reporting Manual for Hospitals, second edition adopted under WAC 261-20-030.

~~((4))~~ (5) "System of accounts" means the list of accounts, code numbers, definitions, units of measure, and principles and concepts included in the manual.

~~((5))~~ (6) "Rate" means the maximum revenue ~~((per defined))~~ which a hospital may receive for each unit of service ~~((for each revenue center identified in the manual))~~, as determined by the commission.

~~((6))~~ (7) "Budget" means the forecast of each hospital's total financial needs and the resources available to meet such needs for its next fiscal year and includes such information as shall be specified in the manual concerning goals and objectives, volume and utilization projections, operating expenses, ~~((planned capital and service component (applicable to nonprofit hospitals) or return on investment (applicable to proprietary hospitals)))~~ capital requirements, deductions from revenue, and proposed rates.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-030 ADOPTION AND ESTABLISHMENT OF UNIFORM SYSTEM. The commission, pursuant to RCW 70.39.100, hereby adopts and establishes a uniform system of accounting, financial reporting, budgeting, cost allocation, and prospective rate setting for hospitals in Washington state, which system is described in the commission's publication entitled Washington State Hospital Commission Accounting and Reporting Manual for Hospitals, second edition, which publication is hereby incorporated by this reference. The manual shall be utilized by each hospital for submitting information, as may be required by the commission, pertaining to the total financial needs of the hospital and the resources available or expected to become available to meet such needs.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-040 SUBMISSION OF BUDGET AND RATE REQUEST. (1) Each hospital shall submit its budget and rate request to the commission not less than seventy-five days prior to the beginning of its fiscal year, including the effect of proposals made by area-wide and state comprehensive health planning agencies ~~((PROVIDED, That for hospitals with fiscal years ending on or before September 30, 1983, the time for submission of the budget and rate request shall not be less than sixty days prior to the beginning of the next fiscal year))~~. The budget and rate request shall contain that information specified in the commission's manual and shall be submitted in the form and manner specified in the manual. Where more than one hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(2) The chief executive officer and ~~((chairman of the governing board of the hospital))~~ presiding officer of the hospital's governing body shall attest that the information submitted under this section or budget amendments under WAC 261-20-045 has been examined by such person and that to the best of his/her knowledge and belief such information is a true and correct statement of the total financial needs of the hospital and the rates necessary to meet those needs for the budget period.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-045 BUDGET AMENDMENT SUBMITTALS AUTHORIZED—TIME LIMITATIONS—PRESUMPTION. (1) Hospitals are authorized, upon learning of facts justifying revision of their approved budgets, to submit amendments to such budgets not less

than thirty days in advance of the proposed effective date of any associated proposed rate changes, however, any budget amendment must be received more than ninety days prior to the hospital's fiscal year end; amendments submitted without effective dates will be assigned effective dates falling thirty days after receipt.

(2) Within thirty days after receipt of a budget amendment submittal, the staff shall determine whether it is complete and conforms to commission regulations, policies, and instructions, and shall verify the data contained therein.

(3) The provisions of WAC 261-40-100, 261-40-105, 261-40-110, 261-40-115, 261-40-120, 261-40-125, 261-40-130, 261-40-135, 261-40-140, 261-40-145, and 261-40-150 shall apply to budget amendment submittals with the same force with which they apply to annual budget submittals.

(4) Any element of a hospital's budget amendment submittal which is not specifically identified as changed from the previously approved amount ~~((will be presumed to remain the same as previously approved))~~ may be reopened to assure that the hospital's amended budget complies with WAC 261-40-150.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-050 SUBMISSION OF YEAR-END REPORT. (1) Each hospital annually shall file its year-end report with the commission within one hundred twenty days after the close of its fiscal year in the form and manner specified in the manual (chapter 10000): **PROVIDED, HOWEVER,** The one hundred twenty-day period may be extended up to and including an additional sixty days upon submission to the commission, of what it in its discretion, may consider good and sufficient reasons. Where more than one hospital is operated by the reporting organization, the information required by this section shall be reported for each hospital separately.

(2) Information submitted pursuant to this section shall be certified by the hospital's certified or licensed public accountant, or under oath by the hospital's administrative and financial officers, that such reports, to the best of their knowledge and belief, have been prepared in accordance with the prescribed system of accounting and reporting, and fairly state the financial position of the hospital as of the specified date; the commission also may require attestation as to such statements from responsible officials of the hospital so designated by the governing ~~((board))~~ body, if any, of the hospital.

NEW SECTION

WAC 261-20-054 INSPECTION OF HOSPITALS' BOOKS AND RECORDS. The commission will inspect a hospital's books, audits, and records as reasonably necessary to implement the policies and purposes of chapter 70.39 RCW.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-20-074 MODIFICATIONS OF UNIFORM SYSTEM APPLICABLE TO ONLY "BASIC SERVICE" HOSPITALS. (1) The commission may notify a hospital at any time that it will be classified as a "basic service" hospital for the purpose of submitting its next budget and year-end report. Notice of such change to the affected hospital shall be provided at least six months before the beginning of the hospital's next fiscal year.

(2) Any hospital notified by the commission that it has been classified as a "basic service" hospital may combine the accounts specified below in the following manner for the purpose of submitting information to the commission pursuant to WAC 261-20-040 and 261-20-050:

(a) Combine Electrodiagnosis-7110 into Laboratory-7070.

(b) Combine Cafeteria-8330 into Dietary-8320.

(c) Combine Accounting-8510, Communications-8520, Patient Accounting-8530, Data Processing-8540, and Admitting-8560 into a single account, Fiscal Services-8500, which cost center should be allocated on the basis of accumulated costs.

(d) Combine Hospital Administration-8610, Public Relations-8630, Management Engineering-8640, Personnel-8650, Auxiliary-8660, and Chaplaincy-8670 into a single account, Administrative Services-8600, which cost center should be allocated on the basis of accumulated costs.

(e) Combine Medical Library-8680 into Medical Records-8690.

(f) Combine Inservice Education-Nursing-8740 into Nursing Administration-8720.

(3) The commission will provide notice to the affected hospital of any change from "basic service" to a more complex class at least ~~((four))~~ six months before the next budget is due.

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-010 PURPOSE. The purpose of this chapter is to implement the provisions of RCW 70.39.140 through 70.39.160 regarding the commission's review and approval of annual budget submittals, hospital rates, rate schedules, other charges, and changes therein. The commission's objective is to assure purchasers of hospital health care services that the total costs of a hospital are reasonably related to the total services offered by that hospital, that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital, that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs, and that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-015 DEFINITIONS. As used in this chapter, unless the context requires otherwise:

(1) "Annual budget submittal" and "submittal" mean the information submitted to the commission pursuant to WAC 261-20-040.

(2) "Washington state hospital commission" and "commission" mean the Washington state hospital commission created by chapter 70.39 RCW.

(3) "Hospital" means any health care institution which is required to qualify for a license under RCW 70.41.020(2); or as a psychiatric hospital under chapter 71.12 RCW, but shall not include beds utilized by a comprehensive cancer center for cancer research, or any health care institution conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any church or denomination. The term "hospital" also refers to an entity that has submitted to the commission an annual budget submittal, which submittal is subject to review by the staff and commission in accordance with the provisions of this chapter.

(4) "Person" when used in this chapter means any individual, partnership, association, corporation, comprehensive health planning agency created pursuant to chapter 70.38 RCW, hospital, or any body politic or municipal corporation.

(5) "Rate" means the maximum revenue ((per defined)) which a hospital may receive for each unit of service ((for each revenue center identified in the commission's publication entitled Accounting and Reporting Manual for Hospitals adopted under WAC 261-20-030)), as determined by the commission.

(6) "Staff" means the executive director, deputy director, associate directors, confidential secretary and all other employees of the commission.

(7) "Party" means those persons described in WAC 261-40-201.

(8) "Comprehensive cancer center" means an institution and its research programs as recognized by the National Cancer Institute prior to April 20, 1983.

(9) "Region" means one of the health service areas established pursuant to RCW 70.38.085, except that King County shall be considered a separate region.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-020 APPLICABILITY OF THIS CHAPTER. (1) Required commission approval of rate changes: No rate described in any hospital's annual budget submittal as approved by the commission may be changed by such hospital without applying to the commission for the approval of a rate change in accordance with the procedures set forth in this chapter. Rate changes for volume variance under WAC 261-40-150 are not considered rate changes under this section.

(2) Effective date of change in approved rates: Hospitals shall utilize only those rates that have been approved by the commission. Every request for a change in rates shall provide for a proposed effective date for that change which shall be no sooner than thirty days after the

commission receives the request. If the request does not include a proposed effective date, that date shall be deemed to be thirty days after the receipt of the request.

The new rates may be utilized by the hospital after the proposed effective date unless the commission has suspended the date pursuant to WAC 261-40-030.

(3) Publication of a schedule of rates and proposed changes in rates: Each hospital shall issue and make available to the public a schedule of rates as approved by the commission. Any proposed changes in rates shall be plainly indicated on the schedule effective at that time and shall be open to public inspection for at least thirty days prior to the proposed effective date.

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-150 CRITERIA FOR APPROVAL, MODIFICATION, OR DISAPPROVAL OF ANNUAL BUDGET SUBMITTAL AND RATES, RATE SCHEDULES, OTHER CHARGES, AND CHANGES THEREIN. The following criteria shall be utilized by the commission in reviewing and acting on annual budget submittals; however, the relative importance of each criterion listed below is a matter of commission discretion:

(1) Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein:

(a) Are such that the commission can assure all purchasers of that hospital's health care services that the total costs of the hospital are reasonably related to the total services offered by that hospital;

(b) Are such that the hospital's costs do not exceed those that are necessary for a prudently and reasonably managed hospital;

(c) Are such that the hospital's aggregate revenues as expressed by rates are reasonably related to the hospital's aggregate costs;

~~((c))~~ (d) Are such that rates are set equitably among all purchasers or classes of purchasers of services without undue discrimination or preference.

(2) Whether the commission action will permit ~~((a nonprofit))~~ any hospital to render necessary, effective and efficient service in the public interest ~~((and on a solvent basis)).~~

(3) Whether the commission action will ~~((permit a proprietary profit-making hospital to render effective and efficient service in the public interest as well as allow such hospital's shareholders a fair return based upon actual investment or, if the hospital elects, upon the fair value of the investment on July 16, 1973. PROVIDED, That, once the election is made it may not be changed without the approval of the commission))~~ assure access to necessary, effective, economically viable and efficient hospital health care capability throughout the state, rather than the solvency or profitability of any individual hospital except where the insolvency of a hospital would seriously threaten the access of the rural public to basic health care services.

~~((a))~~ For the purposes of this subsection, "investment" is defined as the sum of the differences between a hospital's current assets and current liabilities on the one hand and long term assets and long term liabilities, on the other hand, to the extent such assets and liabilities are allowable for ratemaking. The commission has adopted written policies regarding the allowance of assets and liabilities which are available upon request:

(b) For the purposes of this subsection, the term "actual investment" shall refer to assets computed as set forth in subdivision (a) of this subsection on the basis of historical cost less accumulated depreciation:

(c) For the purposes of this subsection, the term "fair value of the investment" shall mean the result of the computation performed in subdivision (a) of this subsection on assets whose value as of July 16, 1973 is determined by means of impartial appraisal:))

(4) Whether the appropriate area-wide and state comprehensive health planning agencies have recommended approval, modification, or disapproval of the annual budget submittal, or the rates, rate schedules, other charges, or changes therein.

(5) ~~((Whether the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein will in the aggregate produce sufficient total revenue for the hospital to meet all of the reasonable obligations specified in chapter 70.39 RCW.~~

~~((6))~~ Whether the rates, rate schedules, other charges, and changes therein contained in the hospital's annual budget submittal are reasonable and necessary.

~~((7))~~ (6) Whether the rates implemented and revenues collected by the hospital in previous budget years conformed to the applicable commission determinations for such years. Conformance will be determined by comparing, at the end of the budget year, actual revenues for

the budget year to commission-approved revenues, on the basis of either the aggregate rate per adjusted patient day, or the revenues for individual revenue centers, as either may be modified, where appropriate, for volume variance between budgeted and actual levels; such comparison shall be made using actual, rather than budgeted, deductions from revenue.

The approved planned capital and service component and return on investment shall be considered a fixed cost when considering year-end conformance. Only that portion of total costs per patient day designated as variable according to the following schedule will be adjusted for volume variance:

Peer groups 1 and 2 and specialty hospitals having fewer than fifty beds; fixed costs – eighty percent, variable costs – twenty percent

Peer groups 3 and 4 and specialty hospitals having fifty or more beds; fixed costs – seventy percent, variable costs – thirty percent

Peer groups 5 and 6 hospitals; fixed costs – sixty percent, variable costs – forty percent

Alternatively, the hospital may submit suggested ratios of fixed costs to variable costs, either in the aggregate or by revenue center. Upon approval by the commission, such approved ratios will be used only prospectively to determine allowable revenue variance due to volume changes.

The hospital may submit any justifying information to explain deviations/variances from approved revenues.

(7) Whether the hospital or its medical staff either adopts or maintains admission practices or policies which result in:

(a) A significant reduction in the proportion of patients who have no third-party coverage or who are unable to pay for hospital services;

(b) A significant reduction in the proportion of individuals admitted for inpatient hospital services for which payment is or is likely to be less than the anticipated charges for or costs of such services;

(c) The refusal to admit patients who would be expected to require unusually costly or prolonged treatment for reasons other than those related to the appropriateness of the care available at the hospital.

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-315 **COMMISSION RIGHT TO TERMINATE INFORMAL HEARING.** The commission may terminate an informal hearing at any time either to protect substantial rights of the public, a hospital, or the commission or its staff; or, in connection with an annual budget submittal before it for review, to assure all purchasers of that hospital's health care services that total hospital costs are reasonably related to total services, that costs do not exceed those that are necessary for prudently and reasonably managed hospitals, that hospital rates are reasonably related to aggregate costs, and that rates are set equitably among all purchasers of these services without undue discrimination. Whenever an informal hearing is so terminated, the commission shall attempt to give advance notice of such action to the hospital, staff, and public, but it is not required to do so. In the event an informal hearing is so terminated, the commission shall immediately schedule a formal hearing regarding the annual budget submittal previously being reviewed in the informal hearing.

AMENDATORY SECTION (Amending Order 75-05, filed 11/10/75)

WAC 261-40-480 **BRIEFS.** Briefs may be filed in any formal commission hearing by any interested party, and shall be filed by any party to the proceeding upon the request of the presiding officer, and within such time as shall he/she directs. The presiding officer may require the filing of all briefs within three days after the close of the hearing if he/she considers the proceeding to be such that an order should issue promptly; and in the case of matters requiring an immediate decision, he/she may require the parties, or their counsel, to present their arguments and authority orally at the close of the hearing, instead of by written brief. Briefs should set out the leading facts and conclusion which the evidence tends to prove, and point out the particular evidence relied upon to support such conclusion. Briefs may be printed multilithed, mimeographed, typewritten or otherwise mechanically reproduced (size 8 1/2" x 11") , and all copies shall be clearly legible. ~~(Six)~~ Ten copies of each brief shall be filed with the commission and copies thereof shall be served on all parties to the case,

or their counsel, and proof of such service furnished to the commission in the manner provided by WAC 261-40-440(3).

AMENDATORY SECTION (Amending Order 83-02, Resolution No. 83-02, filed 2/28/83)

WAC 261-40-485 **ORDERS.** (1) Preparation of proposed order: The presiding officer for a formal hearing shall prepare a proposed order including findings of fact, conclusions of law, and a decision regarding the hospital's annual budget submittal and the rates, rate schedules, other charges, and changes therein; and the same shall be served upon all parties of record.

(2) Exceptions: Number filed and time for filing: ~~(Six)~~ Ten copies of exceptions to proposed orders must be filed with the commission and a copy must be served upon all other parties within twenty days from the date of issuance of said order, unless a different time for filing is designated by the commission at or following the issuance of the proposed order. Proof of service must be made in accordance with WAC 261-40-440(3).

(3) Exceptions: Who may file: Any party of record may file exceptions to the presiding officer's proposed order.

(4) Exceptions: Contents: Exceptions to proposed orders shall be specific and must be stated and numbered separately. Exceptions to findings of fact must be supported by a reference to that page or part of the record or in the alternative by a statement of the evidence relied upon to support the exception, and shall be accompanied by a recommended finding of fact. Exceptions to conclusions of law must be supported by reference to the appropriate statute or regulation involved and shall be accompanied by a corrected conclusion of law. When exceptions are taken to conclusions in the summary portion of the proposed order there shall be included a statement showing the legal or factual justification for such exceptions, together with a statement showing how the alleged defect in the summary affects the findings of fact or conclusions of law, or the ultimate decision.

(5) Replies: ~~(Six)~~ Ten copies of a reply to exceptions must be filed with the commission and a copy served upon the excepting party within ten days of the date of service of the exceptions, unless a different time for filing is designated by the commission.

(6) Briefs and arguments supporting exceptions or replies: Briefs or written arguments supporting exceptions or replies thereto shall be attached to such documents and shall be served and filed in the same manner as provided in subsections (2) and (5). The commission may in its discretion hear oral arguments at a time and place to be designated by it upon notice to all affected parties.

(7) Final order: After reviewing the exceptions, replies, briefs, oral arguments, if any, and the record or such portions thereof as may be cited by the parties, a majority of the commission may affirm the proposed order by an appropriate final order, or it may make such changes as it deems necessary in its final order. The statutory time for judicial review under chapter 34.04 RCW shall not commence until the date of the commission's final order.

WSR 84-17-139

PROPOSED RULES

CORRECTIONS STANDARDS BOARD

[Filed August 22, 1984]

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

New	ch. 289-10 WAC	Physical plant standards for special detention facilities.
New	ch. 289-26 WAC	Custodial care standards for special detention facilities.
New	ch. 289-28 WAC	Custodial care standards for work release facilities.
New	WAC 289-02-050	Classification and uses of special detention and work release.
Amd	WAC 289-02-020	Definitions;

that the agency will at 9:00 a.m., Friday, October 5, 1984, in the Cavanaugh's River Inn, North 700 Division,

Spokane, WA 99202, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 70.48.370, 70.48.050 and section 7, chapter 110, Laws of 1984.

The specific statute these rules are intended to implement is RCW 70.48.370 and 70.48.050.

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

Dated: August 22, 1984

By: Robert W. Cote
Executive Secretary

STATEMENT OF PURPOSE

Title: Amendments to chapter 289-10 WAC, Physical plant standards for special detention facilities; chapter 289-26 WAC, Custodial care standards for special detention facilities; chapter 289-28 WAC, Custodial care standards for work release facilities; WAC 289-02-050 Classification and uses of special detention and work release; and WAC 289-02-020 Definitions.

Description of Purpose: To establish physical plant and custodial care standards for special detention and work release facilities.

Statutory Authority: RCW 70.48.370, 70.48.050 and section 7, chapter 110, Laws of 1984.

Summary of Rule: To establish physical plant and custodial care standards for special detention facilities and work release facilities. To add new section to WAC 289-02-050 classification and uses of special detention, definitions (11) amend, (19)-(23) new. To conform to legislative mandate.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Robert W. Cote, Executive Secretary, Corrections Standards Board, 110 East 5th Avenue, Mailstop: GB-12, Olympia, WA 98504, (206) 753-5790, scan 234-5790.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Amendments are proposed by the Corrections Standards Board.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: None.

Small Business Economic Impact Statement: None.

Chapter 289-26 WAC CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES

NEW SECTION

WAC 289-26-005 INTRODUCTION TO CUSTODIAL CARE STANDARDS FOR SPECIAL DETENTION FACILITIES. (1) The provisions of chapter 289-26 WAC incorporate custodial care standards applicable to special detention facilities as defined under WAC 289-02-020 and 289-02-050, and to work release facilities. Each standard is mandatory for the classification to which it applies unless specifically labeled as advisory or not applicable.

(2) The mandatory custodial care standards for special detention facilities are intended to meet minimum legal requirements for health, welfare and security for low-risk prisoners (including work release

prisoners) considering the length of stay and the prisoner classification involved. They do not preclude the adoption of more stringent requirements not in conflict with such standards by the governing authority, chief law enforcement officer, or department of corrections responsible for a particular facility.

NEW SECTION

WAC 289-26-100 GENERAL ADMINISTRATION. There shall be written policies and procedures which shall be made available to each authorized person who is responsible for the confinement of a prisoner in the facility. These may be included in policies and procedures for a jail of which the special detention facility is a part.

NEW SECTION

WAC 289-26-120 TRAINING. (1) All authorized persons responsible for the confinement of a prisoner shall receive an orientation to the policies and procedures of the facility relative to their duties. On the job training shall be provided as deemed appropriate by the chief law enforcement officer or department of corrections.

(2) All special detention facility staff whose primary responsibility is the supervision of prisoners shall meet the training and education standards established by the Washington state criminal justice training commission.

NEW SECTION

WAC 289-26-130 RECORDS. (1) Confidentiality. All facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).

(2) Individual case records. An individual file or record shall be kept for each prisoner.

(3) Medical.

(a) Any prisoner medical information other than that included in the prisoner's individual file under WAC 289-26-130(2) shall be maintained separately to the extent necessary to maintain confidentiality.

(b) Any medical problems experienced by a prisoner while in the facility shall be recorded and such records maintained. Information concerning medical problems shall be transmitted at the time the prisoner is transported to another jail, hospital, or other facility.

(4) Jail register. Each special detention facility shall keep a jail register as required by RCW 70.48.100.

(5) Population accounting. Each special detention facility shall submit reports on its population on at least a monthly basis, on forms provided by the corrections standards board. (Not applicable - 72 hour)

(6) Incidents and infractions. Written records shall be maintained for all incidents which result in major property damage or bodily harm, and for all instances where major disciplinary sanctions are imposed.

(7) Incident reports. The corrections standards board shall be notified within seven business days of any death, completed escape or serious fire. Reports of such incidents shall be retained.

(8) Activity log. A log of daily activity should be kept within the facility. WAC 289-26-130(7) ADVISORY.

(9) Personnel. Performance and training records should be maintained for each staff member employed by the facility. WAC 289-14-130(8) ADVISORY.

NEW SECTION

WAC 289-26-200 EMERGENCY PROCEDURES. (1) The department of corrections or chief law enforcement officer shall establish and maintain written emergency procedures as appropriate for the specific facility.

(2) The emergency plans shall outline the responsibilities of special detention facility staff, evacuation procedures, and subsequent disposition of the prisoners after removal from the area or facility.

(3) Emergency plans shall always be available to the authorized person in charge of the facility.

(4) All personnel shall be trained in the emergency procedures.

NEW SECTION

WAC 289-26-210 FIRE PREVENTION AND SUPPRESSION. The department of corrections or chief law enforcement officer

shall establish and maintain a written fire prevention, suppression, and evacuation plan.

NEW SECTION

WAC 289-26-220 USE OF FORCE. (1) The department of corrections or chief law enforcement officer shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with WAC 289-28-220.

(2) Only lawful and reasonable force to the person of a prisoner shall be used.

(3) Deadly force shall not be used on a prisoner unless the person applying the deadly force reasonably believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of the facility or any other person, or prevent the escape of a prisoner arrested for a felony, and the officer reasonably believes that other reasonable and available alternatives would be ineffective.

(4) A written report on the use of such force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such deadly force. The report(s) shall be reviewed by the chief law enforcement officer or department of corrections or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

(5) The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression of the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

(6) The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

(7) The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

(8) No neck hold shall be used, except by persons instructed in the use of the carotid sleeper hold, its dangers and in the dangers of the choke hold. Refresher training shall be provided on at least an annual basis.

(9) Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold.

NEW SECTION

WAC 289-26-300 CAPACITY. (1) The director of the local department of corrections or chief law enforcement officer shall propose a maximum capacity for each special detention facility, except where such facility's capacity is already included within a jail facility with an established capacity under WAC 289-15-225. Notice of such proposed maximum capacity shall be delivered to the corrections standards board at least sixty days prior to the opening of a facility.

(2) The board shall establish a maximum capacity at its next regularly-scheduled public meeting. It shall be the responsibility of the board to establish cause for revising the maximum capacities proposed by the governing unit in question. Special detention facilities will be deemed adequate to house up to the number of prisoners which would result in an average net living space of ninety-five square feet per prisoner in each of the living areas of the facility.

NEW SECTION

WAC 289-26-310 CROWDING. Facilities shall provide one bed and an average net living area (as defined in WAC 289-02-020(11)) of at least ninety-five square feet for each prisoner. Population shall not exceed capacity, as determined pursuant to WAC 289-26-300.

NEW SECTION

WAC 289-26-320 OVERCROWDING. No prisoner shall be required to sleep on a mattress on the floor or directly on the floor.

NEW SECTION

WAC 289-26-400 ADMISSIONS. (1) Authorized confinement. No prisoner shall be confined without proper legal authority.

(2) Prisoner property. At the time of admission, if the prisoner's personal property is taken from him, authorized facility staff shall record and store such items, and issue the prisoner a receipt.

(3) Bedding and personal care items. At a reasonable time after admission to the facility, each prisoner shall be issued clean bedding, as well as such personal care items as required under WAC 289-26-780.

NEW SECTION

WAC 289-26-410 LOW-RISK CLASSIFICATION. Special detention facilities shall house only low-risk, minimum custody sentenced prisoners, as determined by court order or written classification procedures consistent with WAC 289-16-130 (1) through (3).

NEW SECTION

WAC 289-26-420 ORIENTATION. (1) As soon after admission to the facility as possible each prisoner shall receive an oral or written orientation. The orientation shall provide information regarding the prisoner's confinement including, but not limited to:

(a) Rules of prisoner conduct, including possible disciplinary sanctions, as provided in WAC 289-26-620;

(b) Staff expectations of prisoner responsibilities, including, if applicable, cleaning of prisoner living areas;

(c) Prisoner rights and privileges;

(d) The means of access to health care as required by WAC 289-26-720;

(2) An opportunity to ask and receive answers to questions shall be provided within a reasonable time.

NEW SECTION

WAC 289-26-430 CLASSIFICATION/SEGREGATION CRITERIA. To the extent possible in the available physical plant, the following classification criteria shall be used.

(1) Juvenile.

(a) No juvenile shall be held in a special detention facility without sight and sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of eighteen, who has not been remanded to superior court jurisdiction: PROVIDED, That no person under the chronological age of sixteen shall be held in a special detention facility in which adult prisoners are also being held.

(b) All governing units are advised of the provisions of the Juvenile Justice and Delinquency Prevention Act of 1974 (Public Law 93-415) as amended by the Juvenile Justice Amendments of 1980 (Public Law 96-509) which provide that no juveniles be housed in adult detention facilities after 1985, denies certain federal funds to states which do not comply with these requirements, and directs that guidelines shall be established for meeting this requirement over the five-year period. WAC 289-26-430 (1)(b) ADVISORY.

(2) Female prisoners shall be segregated from visual and physical contact with male prisoners except under continual supervision of a staff person.

(3) Special problem prisoners who endanger the health or safety of other prisoners (or themselves) shall be segregated and closely supervised.

NEW SECTION

WAC 289-26-440 GOOD TIME. The director of the department of corrections or the chief law enforcement officer should develop written policies regarding time off for good behavior. Such policies should insure that good time, when authorized by sentencing courts, is given on a consistent basis, and in accordance with RCW 9.92.150 and 70-48.210. WAC 289-26-430 ADVISORY. (Not applicable - 72 hour)

NEW SECTION

WAC 289-26-450 RELEASE AND TRANSFER. (1) Release:

(a) The releasing officer shall determine prisoner identity and ascertain that there is legal authority for the release;

(b) The information required on the release forms shall be recorded for each prisoner released from the facility;

(c) All prisoners being released shall sign a witnessed receipt for personal property returned.

(2) Transfer. In addition to the release procedures designated in this section, the releasing officer shall determine that the receiving unit or person, if any, has the authority to accept custody.

NEW SECTION

WAC 289-26-460 **TRANSPORTATION.** When special detention facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the facility, the department of corrections or chief law enforcement officer shall develop and maintain written instructions which insure the safety and security of the prisoners and staff.

NEW SECTION

WAC 289-26-500 **STAFFING.** (1) General staffing. At all times at least one staff member shall be awake, alert, and directly responsible for supervision and surveillance.

(2) Same sex staffing. A staff member of the same sex as the prisoner shall be available in a reasonable time for all custodial activities which involve intimate physical contact or activities which are commonly afforded reasonable protection against opposite sex observation or supervision except where the health, safety, and security of the individual or the staff member would be jeopardized: **PROVIDED**, That personal observation of prisoners for this or other sections of these standards may be by opposite sex staff so long as opposite sex privacy concerns are given appropriate protection.

(3) Surveillance.

(a) Staff shall be available to respond face-to-face to any prisoner within three minutes.

(b) To ensure the welfare of the prisoner, staff shall personally observe each prisoner in the facility at least three times within an eight hour period. All prisoner checks shall be recorded in writing and retained in the facility records.

NEW SECTION

WAC 289-26-510 **SUPERVISION AND SURVEILLANCE.** (1) Prisoner identification. All special detention facilities shall establish a means of identifying prisoners.

(2) Prisoner authority. No prisoner shall be permitted to have authority over other prisoners.

(3) Prisoner counts. In addition to staff observations a system shall be maintained for taking and recording the count of prisoners in the facility at least once during an eight-hour period.

(4) Contraband control. All special detention facilities shall establish and maintain a written procedure regarding searches of prisoners, visitors, and the facility to prevent the introduction of contraband. All special detention facilities which permit visiting shall post a sign displaying the penalty for the introduction of contraband. (RCW 9A.76-.010, 9A.76.140, 9A.76.150, 9A.76.160.)

(5) Strip searches and body cavity searches of the prisoner shall conform to WAC 289-16-100 (5) through (9).

NEW SECTION

WAC 289-26-520 **CRITICAL ARTICLES.** (1) All special detention facilities shall ensure that weapons shall be inaccessible to prisoners at all times.

(2) Keys and locking devices.

(a) There shall be at least two sets of facility keys, one set in use and the other stored securely but easily accessible to staff for use in the event of an emergency.

(b) Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.

(c) If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or failure of the system.

NEW SECTION

WAC 289-26-600 **INTRODUCTION.** Where any disciplinary rules or sanctions exist, the facility must comply with the applicable provisions of this chapter, or with the rules and regulations of the state department of corrections regarding prisoners' rights, discipline and grievance procedures. Compliance with such rules and regulations of the department shall be deemed full compliance with this section and WAC 289-26-610 through 289-26-640.

NEW SECTION

WAC 289-26-610 **PRISONER RIGHTS.** Each special detention facility shall establish written policies and procedures regarding prisoner rights, available to prisoners, which shall include, but not be limited to access to courts, confidential access to attorneys and/or legal assistance, protection from abuse and corporal punishment and freedom from discrimination based on race or sex.

NEW SECTION

WAC 289-26-620 **PRISONER RULES OF CONDUCT.** (1) Rules established. No discipline shall be imposed except pursuant to written facility rules made available to prisoners. Reasonable efforts shall be made to inform non-English speaking prisoners of such rules.

(2) Prisoners informed. Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously within the facility.

(3) Major infractions. When discipline involving transfer from the facility, segregation or solitary confinement, or loss of good time is imposed for an infraction the following shall apply:

(a) Major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

(b) Disciplinary committee.

(i) The director of the department of corrections or the chief law enforcement officer or such person's designee or designees shall hear and decide all charges of major violation of facility rules and impose sanctions.

(ii) It is recommended, but not required, that there be a committee of two or more staff to perform the function of disciplinary committee. WAC 289-26-620 (3)(b)(ii) **ADVISORY.**

(iii) Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge.

(c) Disciplinary procedures.

(i) Any charge pending against a prisoner shall be acted on as soon as possible and no later than seventy-two hours (exclusive of Saturdays, Sundays, and holidays) after observation or discovery of the infraction. Action in this context means a disciplinary hearing or a decision not to impose any sanction requiring a hearing. Provided that a hearing may be postponed for good cause. Such postponements shall be approved by the chief law enforcement officer or director of corrections or designee. The inmate shall be notified in writing of the postponement and the reason therefor.

(ii) At least twenty-four hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with subsection (3)(a) of this section. An inmate may waive this requirement in writing. If the prisoner is illiterate, the infraction report shall be read to him or her.

(iii) The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

(A) The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

(B) The prisoner shall be allowed to appear on his or her own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

(C) A prisoner who is unable to represent himself or herself in such a hearing shall be informed of his or her right to be assisted by another person in understanding and participating in the proceedings;

(D) The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

(E) The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed procedures established by each facility and included in the printed rules.

(iv) All disciplinary proceedings shall be recorded.

(v) There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction.

NEW SECTION

WAC 289-26-630 DISCIPLINE. (1) Corrective action or forms of discipline.

(a) When punitive measures are imposed, such measures shall be in accordance with law and recommended sanctions, and appropriate to the severity of the infraction.

(b) Acceptable forms of discipline shall include, but not be limited to, the following:

- (i) Loss of privileges;
- (ii) Removal from work detail or other assignment;
- (iii) Recommendation of forfeiture of "good time" credit;
- (iv) Transfer to the maximum security or segregation section.

(2) Limitations on punishment.

(a) No prisoner or group of prisoners shall be given authority to administer punishment to any other prisoner or group of prisoners.

(b) Deprivation of regular feeding, clothing, bed, bedding, or normal hygienic implements and facilities shall not be used as a disciplinary sanction.

(c) Correspondence privileges shall not be denied or restricted, except in cases where the prisoner has violated correspondence regulations. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts, or the department of corrections or chief law enforcement officer be suspended.

(d) Restrictions on visitation.

(i) Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the facility unrelated to visitation. WAC 289-26-630 (2)(d)(i) ADVISORY.

(ii) Under no circumstances shall attorney-client visits be restricted as a disciplinary sanction.

(e) Corporal punishment and physical restraint (e.g., handcuffs, leather restraints, and strait jackets) shall not be used as sanctions.

NEW SECTION

WAC 289-26-640 GRIEVANCE PROCEDURES. The department of corrections or chief law enforcement officer for each special detention facility should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for notification of action taken regarding the grievance. WAC 289-26-640 ADVISORY. (Not applicable - 72 hour)

NEW SECTION

WAC 289-26-700 WRITTEN PROCEDURES FOR MEDICAL SERVICES. (1) There shall be on file in the facility a written procedure which provides that necessary medical services will be provided twenty-four hours a day by one or more of the following:

- (a) A licensed physician;
- (b) A health care professional supervised by a licensed physician; or
- (c) A hospital or clinic.

(2) Licensing and certifications. Medical services shall be provided only by licensed or certified health care providers.

NEW SECTION

WAC 289-26-705 HEALTH CARE POLICIES AND PROCEDURES. Written standard operating procedures shall consist of but not be limited to the following:

- (1) Admission screening;
- (2) Nonemergency medical services;
- (3) Deciding the emergency nature of illness or injury;
- (4) First-aid;
- (5) Notification of next of kin or legal guardian in case of serious illness, injury or death;
- (6) Detoxification procedures; and
- (7) Pharmaceuticals.

NEW SECTION

WAC 289-26-710 HEALTH SCREENING. Receiving screening shall be performed on all prisoners upon admission to the facility. If the results of receiving screening indicate a medical problem that may be detrimental to the health or safety of the prisoner, but is of a non-emergency nature, then the prisoner shall be seen within a reasonable time by a physician or nurse to determine the need for further diagnosis or treatment.

NEW SECTION

WAC 289-26-720 ACCESS TO HEALTH CARE. (1) Written procedures for gaining access to medical services shall be made available to each prisoner.

(2) Prisoner complaints of injury or illness, or staff observations of such shall be acted upon by staff as soon as reasonably possible. Prisoners shall be provided with medical diagnosis or treatment as necessary.

(3) Work release prisoners shall be allowed to see their own physician. WAC 289-26-720(3) ADVISORY.

(4) Emergency care:

(a) Standard first-aid kits shall be conveniently available to all jails.

(b) Emergency medical and dental care shall be available on a twenty-four hour basis in accordance with a written plan which includes:

(i) Arrangements for the emergency evacuation of the prisoner from the special detention facility;

(ii) Arrangements for the use of an emergency medical vehicle;

(iii) Arrangements for the use of one or more designated hospital emergency rooms or other appropriate health facilities;

(iv) Arrangements for emergency on-call physician and dentist services when an emergency health facility is not located in a nearby community;

(v) Arrangements for emergency mental illness care for prisoners.

NEW SECTION

WAC 289-26-730 HEALTH CARE TRAINING. (1) Special detention facility personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall include but not be limited to:

(a) Awareness of potential medical emergency situations;

(b) Action to take on notification or observation that a medical emergency is in progress;

(c) First-aid and resuscitation;

(d) Call for help; and

(e) Transfer to appropriate medical provider.

(2) At least one person per shift shall have training in receiving screening.

(3) At least one person available per shift shall have training in basic life support cardiopulmonary resuscitation (CPR).

(4) All persons delivering medication shall be properly trained.

NEW SECTION

WAC 289-26-735 PUBLIC HEALTH. (1) Body vermin. Any person with body vermin shall be treated appropriately.

(2) Communicable diseases. Prisoners suspected of having a communicable disease detrimental to the health of the other prisoners shall be segregated.

NEW SECTION

WAC 289-26-740 MEDICATIONS CONTROL. (1) If stock prescriptive medication is maintained within the special detention facility, standard operating procedures for the proper management of pharmaceuticals shall include:

(a) A formulary specifically developed for the facility. Such formulary shall be in accordance with WAC 360-16-070 (clinic dispensary);

(b) A policy that special detention facilities with an on-site pharmacy shall adhere to regulations established by the state board of pharmacy. Such policy shall require, as a minimum, a consulting pharmacist for the operation of the pharmacy or the dispensing shall be done by each prescribing physician in person (WAC 360-16-070);

(2) The standard operating procedures for medication dispensing and administration shall include, but not be limited to, policies regarding:

(a) Disposition of medication(s) brought in by prisoners at the time of admission to the facility;

(b) The medications system, which shall ensure that all medications shall be kept in containers which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their original container labeled by their manufacturer. Medications shall not be transferred from the original container except for the preparation of a dose administration;

(c) Safeguards with regard to delivery of medications to prisoners; and

(d) Disposition of unused medication(s).

(3) The standard operating procedures shall include a policy regarding the maximum security storage and weekly inventory of all controlled substances, prescription medication(s), and any syringes, needles and surgical instruments.

NEW SECTION

WAC 289-26-750 HEALTH CARE RECORDS. (1) Prisoner file maintenance. Prisoner medical files shall contain all receiving screening forms, notations of place, date and time of in-facility medical encounters and notation of terminations of treatment from long term or serious medical/psychiatric treatment, if applicable. When treatment is given in the facility, the file shall contain notations of all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications.

(2) Prisoner file confidentiality.

(a) Medical records shall be maintained separately from other facility records to the extent necessary to protect their confidentiality.

(b) Except for medical emergencies or by court order medical records shall not be released to other persons or agencies without the written authorization of the prisoner.

(3) The responsible physician or medical care provider shall communicate information obtained in the course of examination and care to facility authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the facility, or maintenance of facility security and order.

(4) The person delivering medications shall record the actual date and time of the delivery.

NEW SECTION

WAC 289-26-760 SPECIAL MEDICAL ISSUES. (1) Informed consent. All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

(2) Special medical.

(a) Facility staff suspecting prisoner mental illness shall notify the appropriate mental health authorities.

(b) Appropriate medically supervised treatment in accordance with written procedures established under WAC 289-26-705 shall be given in the jail to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates, and similar drugs when such care is not provided in a community health facility.

NEW SECTION

WAC 289-26-765 ACCESS TO FACILITIES. (1) Each prisoner shall be permitted regular bathing (shower) at least twice each week. (Not applicable - 72 hour)

(2) Each prisoner shall have access to toilet, sink, drinking water, and adequate heat and ventilation.

NEW SECTION

WAC 289-26-770 FOOD. (1) Meal service. At least three meals a day shall be served at regular intervals. The morning meal shall be served within fourteen hours of the previous day's evening meal.

(2) Nutritional and caloric intake.

(a) Meals shall be nutritious and provide for appropriate caloric intake.

(b) Menus shall be reviewed at least annually by the local county health department, the county extension service, or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified. (Not applicable - 72 hour)

(c) Medically and dentally ordered diets shall be strictly observed.

NEW SECTION

WAC 289-26-780 CLOTHING, BEDDING AND PERSONAL ITEMS. (1) Clothing.

(a) Provisions shall be made for separate insect proof clothing storage to prevent migration of lice from infested clothing.

(b) Each facility shall ensure that prisoners' outer garments are laundered and made available to them at least once a week, and that prisoners' undergarments and socks are laundered and made available

to them at least twice a week, or shall make laundry facilities available to residents. (Not applicable - 72 hour)

(2) Bedding. Prisoners shall be issued clean bedding within a reasonable time following admission to the facility. Bedding shall include, but not be limited to:

(a) A mattress which shall have a washable surface which shall be sanitized at least semi-annually or more often if needed;

(b) A mattress cover and one sheet, or two sheets, which shall be washed weekly or more often as needed, and always before reissue;

(c) A blanket which shall be washed at frequent intervals to maintain a clean condition, and always before reissue.

(3) Personal care items.

(a) Personal care items issued to each prisoner held in excess of six hours shall include, but not be limited to, soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items.

(b) Toothpaste, toothbrush and comb shall be provided for all prisoners held in excess of twelve hours. Such items shall be available for purchase or shall be issued as needed: PROVIDED, That indigent prisoners shall have access to these minimum items without cost.

(c) Each prisoner should be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede facility management or security. WAC 289-26-780 (3)(c) ADVISORY.

NEW SECTION

WAC 289-26-790 SANITATION. (1) General sanitation.

(a) All special detention facilities shall be kept in a clean and sanitary condition, free from any accumulation of matter detrimental to health.

(b) The housekeeping program shall include a daily general sanitation inspection and daily removal of trash and garbage. (Not applicable - 72 hour)

(c) Each prisoner shall clean his or her own living area daily.

(d) Insects and rodents shall be eliminated by safe and effective means.

(3) Laundry. Each facility shall arrange for adequate laundry services.

NEW SECTION

WAC 289-26-800 SERVICES. (1) Commissary.

(a) The department of corrections or chief law enforcement officer of each facility shall establish, maintain, and operate a commissary, provide prisoners with a list of approved items to be purchased at cost at least once a week at local stores, or provide alternative access to purchase of commissary type items. Available items shall include books, periodicals, and newspapers. (Not applicable - 72 hour)

(b) Proceeds from a special detention facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses.

(2) Special detention facilities shall permit prisoners to keep money on their persons, or shall maintain a cash account for the prisoner. All expenditures from a prisoner's account shall be accurately recorded and receipted.

(3) Basic hair care. Reasonable arrangements should be made to provide basic hair care. WAC 289-26-800(3) ADVISORY. (Not applicable - 72 hour)

(4) Reading materials. Each special detention facility should provide for reading materials and library services. WAC 289-26-800 (4) ADVISORY.

(5) Legal assistance.

(a) Special detention facilities shall permit access to professional legal assistance or necessary law books and reference materials for purposes of preparing and filing legal papers. (Not applicable - 72 hour)

(b) Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers. (Not applicable - 72 hour)

(6) Religious services.

(a) Upon reasonable request from a prisoner, the facility staff shall permit confidential religious consultation. (72 hour - WAC 289-22-800 (6)(a) ADVISORY.)

(b) Special detention facilities with an average daily population of twenty-five or more prisoners who cannot leave the facility for religious services should arrange for weekly religious services. WAC 289-26-800 (6)(b) ADVISORY. (Not applicable - 72 hour)

(c) Prisoners shall be permitted to observe religious holidays and receive sacraments of their faith. WAC 289-26-800 (6)(c) ADVISORY. (Not applicable - 72 hour)

(d) Attendance at religious services shall be voluntary.

(7) Counseling, guidance, and ancillary services.

(a) Counseling services should be available to provide prisoners in special detention facilities with an opportunity to discuss their problems. (Not applicable - 72 hour) WAC 289-26-800 (7)(a) ADVISORY.

(b) The special detention facility should utilize volunteer counseling resources available in the community. (Not applicable - 72 hour) WAC 289-26-800 (7)(b) ADVISORY.

NEW SECTION

WAC 289-26-810 PROGRAMS. (1) Prisoners held over thirty days, who are not authorized to leave the facility, at least five days per week, or forty hours per week, shall have the opportunity for inside and outside exercise.

(2) Work programs. The department of corrections or chief law enforcement officer may establish work programs. WAC 289-26-810(2) ADVISORY.

(3) Education or training programs. The special detention facility should allow the prisoner to contact or be contacted by community representative of education or training programs, and should permit participation in such programs where this is allowed under the terms of the prisoner's sentence. WAC 289-26-810(4) ADVISORY.

(4) Leisure time activity programs. Special detention facilities should provide opportunities for all prisoners to participate in leisure time activities, inside or outside the facility. WAC 289-26-810(5) ADVISORY.

NEW SECTION

WAC 289-26-900 TELEPHONE USAGE. (1) Prisoners shall have reasonable access to telephones. Usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner. (Not applicable - 72 hour)

(2) The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls not to be less than five minutes. (Not applicable - 72 hour)

(3) Appropriate protection of access to an attorney shall be maintained for prisoners without funds. Established social telephone usage shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representative. (Not applicable - 72 hour)

(4) Location of telephone facilities shall insure reasonable privacy, and telephone conversations shall not be monitored, tape recorded, or spot-checked except by court order. Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours. (Not applicable - 72 hour)

NEW SECTION

WAC 289-26-910 MAIL. (1) Publications.

(a) Prisoners shall generally be permitted to receive such mail, books, newspapers, periodicals and other printed materials or photographs as are lawfully delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in facility security or the welfare of prisoners or staff. (Not applicable - 72 hour)

(b) If such materials are withheld from a prisoner, the facility shall comply with WAC 289-24-110 (1)(b), regarding appeal from withholding of publications.

(2) Correspondence.

(a) Incoming or outgoing mail shall be retained no more than one business day. (Not applicable - 72 hour)

(b) Prisoners shall be permitted to mail any number of letters, including letters to attorneys, the courts and elected officials. Prisoners without funds shall be permitted to mail up to three letters per calendar week at the expense of the facility: PROVIDED, That no limit may be set to the number of letters sent to the prisoner's attorney or the courts. (Not applicable - 72 hour)

(c) No restrictions shall be placed on the number of letters a prisoner may receive or of classes of persons with whom he or she may correspond, except by court order or pursuant to the procedures specified in WAC 289-24-110 (2)(c). (Not applicable - 72 hour)

(d) Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks, and may be perused for content when the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the contents of a letter may present a clear and present

danger to facility security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

(e) Except by court order, outgoing mail shall not be opened unless the responsible staff person designated by the department of corrections or chief law enforcement officer has reasonable grounds to believe that the content of a letter may present a clear and present danger to facility security or violates state or federal law.

NEW SECTION

WAC 289-26-920 VISITATION. (1) Contact visitation shall be provided within the facility for each prisoner unless the prisoner is permitted to visit with others away from the facility. (Not applicable - 72 hour)

(2) Special detention facilities may, if authorized by legal authority, permit prisoners to leave the facility for the purpose of: Medical/dental treatment, attend to civil or legal matters, or to conduct business and to participate in activities related to their approved program. Authorization to leave the facility shall be governed by written policy and procedures. (WAC 289-26-920(2) ADVISORY)

(3) Business and professional visits. Each prisoner shall be allowed confidential visits from his or her attorney or legal assistants, his or her pastor and business, educational and law enforcement professional at reasonable hours.

(4) Visitor regulations.

(a) Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted.

(b) Any person may refuse a search but, subsequent to such refusal, may then be denied entrance.

(c) Other reasons for denying entrance to visitors shall include, but not be limited to:

(i) An attempt, or reasonable suspicion of an attempt, to bring contraband into the facility.

(ii) Obvious influence or effect of alcohol or controlled substances.

(iii) Request from the prisoner's physician.

(iv) Request from the prisoner.

(v) Reasonable grounds to believe a particular visit would present a substantial danger to jail security, or management, or to the welfare of prisoners, staff, or visitors.

(d) If a visitor is refused admittance during regular visiting hours:

(i) The prisoner shall receive notice of the refusal stating the reasons therefor.

(ii) The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body or the facility administrator upon written request and shall be promptly informed of this right.

(iii) A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished the prisoner who requested such review.

Chapter 289-28 WAC CUSTODIAL CARE STANDARDS FOR WORK RELEASE FACILITIES

NEW SECTION

WAC 289-28-100 APPLICABILITY. Work release facilities shall comply with the standards in chapter 289-28 WAC, the standards in chapter 289-26 WAC (Custodial Care Standards for Special Detention Facilities) and the standards in chapter 289-10 WAC (Physical Plant Standards for Special Detention Facilities).

NEW SECTION

WAC 289-28-200 ELIGIBILITY FOR WORK RELEASE. (1) Prisoners may be eligible for work release by court order pursuant to RCW 70.48.210(3).

(2) When the chief law enforcement officer (or director of corrections) or designee recommends a prisoner for work release this shall be pursuant to written criteria, which consider at a minimum the prisoner's good conduct and the security risk that he or she presents.

NEW SECTION

WAC 289-28-210 ORIENTATION. A written agreement which specifies the rules and conditions of work release program eligibility shall be signed by each prisoner and witnessed by staff signature.

NEW SECTION

WAC 289-28-220 **TRANSPORTATION.** The use of personal automobiles shall be governed by written policy which shall ensure that the prisoner has a valid Washington state driver's license and minimum liability insurance coverage.

NEW SECTION

WAC 289-28-230 **EMPLOYMENT RESTRICTIONS.** Work release facilities shall comply with RCW 70.48.210(3)(b), prohibiting work release prisoners from working in an establishment where there is a labor dispute.

NEW SECTION

WAC 289-28-300 **PRISONER MONEY ACCOUNTS.** (1) The accounting system for prisoner money shall be described by written policy and procedure, which shall be available to prisoners. All deposits, payments, and expenditures shall be recorded and receipted.

(2) The chief law enforcement officer (or director of corrections) or designee shall collect the work release prisoner's earnings and from the earnings make payments for the prisoner's board, personal expenses inside and outside the facility, and share of the administrative expenses, as required by RCW 70.48.210(3)(d).

(3) Support payments for the prisoner's dependents, if any, shall be made as directed by the court.

(4) With the prisoner's consent, the remaining funds may be used to pay the prisoner's preexisting debts. Consent to payment of restitution may be imposed as a condition of work release when authorized or required by court order. Any balance shall be retained and paid to the prisoner when the prisoner is discharged.

NEW SECTION

WAC 289-28-400 **ACCOUNTABILITY FOR PRISONERS.** (1) The work release prisoner shall be confined in a work release facility or jail whenever the prisoner is not employed and between the hours of employment unless the court directs otherwise.

(2) A current written schedule of the times during which prisoners are authorized to be absent from the facility shall be maintained.

(3) To ensure strict accountability, as to the whereabouts of each prisoner, the facility shall have a sign-in/sign-out sheet recording the date and time of departure and expected return, destination, reason for leaving the facility and time of actual return. Each entry shall be initialed by the responsible staff on duty.

(4) The facility shall establish and follow written policies and procedures to verify attendance of prisoners at the place for which absence from the facility is authorized.

NEW SECTION

WAC 289-28-410 **SEARCHES.** (1) Prisoners shall be subject to search each time they enter or leave the facility.

(2) The facility shall have written policies and procedures regarding the use of breathalizers, urine analysis, and other means to detect the use of alcohol or unauthorized drugs.

Chapter 289-10 WAC

PHYSICAL PLANT STANDARDS FOR SPECIAL DETENTION FACILITIESNEW SECTION

WAC 289-10-100 **PURPOSE.** The purpose of this chapter is to provide minimum physical plant standards for the conversion of existing public or private structures or construction of new special detention facilities primarily designed, staffed, and used for the housing of special populations of sentenced persons classified as low-risk, minimum security prisoners.

NEW SECTION

WAC 289-10-110 **REMODELED OR NEW SPECIAL DETENTION FACILITIES.** No facility shall be classified as a special detention facility or occupied by prisoners prior to board certification

that the facility meets physical plant standards except for board approved variances pursuant to WAC 289-13-235. The governing unit shall submit written documentation by the cognizant local building department (as defined by RCW 19.27.050) that the facility complies with all applicable codes.

NEW SECTION

WAC 289-10-200 **DESIGN PLANS.** (1) No new special detention facility shall be built or any existing public or private structure remodeled without construction plan review by board staff at the design development stage, as defined by the American Institute of Architects, to ensure compliance with physical plant standards and all applicable codes.

(2) Any plans for the use of a vacated detention or correctional facility that has been replaced by a new state-funded jail must receive specific approval by the board in accordance with WAC 289-13-235 (2)(b) (certification of new jail facility).

(3) Special detention facilities shall provide complete structural and physical segregation between special detention prisoners and persons confined in holding, detention or correctional facilities, except as may be necessary during the booking process. This does not preclude the establishment of a special detention facility within the confines of a building that is classified as a holding, detention or correctional facility as long as all other provisions of this chapter are met.

NEW SECTION

WAC 289-10-300 **DESIGN CRITERIA.** Special detention facilities shall be designed to provide adequate confinement, reasonable prisoner to prisoner privacy, sight and sound surveillance, protection and safety for staff, community and prisoners.

NEW SECTION

WAC 289-10-310 **FUNCTIONAL AREAS.** Rooms/dormitories. Sleeping areas shall be designed to provide reasonable privacy, necessary furnishings and closet/locker space for the storage of personal items, and shall be located separate and distinct from other living areas.

Each single room, multiple occupancy room and dormitory shall provide a minimum of sixty square feet per prisoner not including leisure time activity space.

NEW SECTION

WAC 289-10-320 **LEISURE TIME ACTIVITY SPACE.** There shall be leisure time activity space with necessary ancillary furnishings, which shall provide a minimum of thirty-five square feet per prisoner, but not less than a total of one hundred twenty square feet. This may include program and exercise areas as described in WAC 289-10-350. (Not applicable - 72 hours)

NEW SECTION

WAC 289-10-330 **VARIANCES ROOM/DORMITORIES AND LEISURE TIME ACTIVITY SPACE.** Less square feet for rooms, dormitories or leisure time activity space will be considered by using the criteria for review established by WAC 289-12-035(3) relating to guidelines for review of plans not meeting physical plant standards.

NEW SECTION

WAC 289-10-340 **SEGREGATION.** Separate sleeping, toilet and bathing areas shall be provided for males and females which includes physical, sight and reasonable sound separation.

NEW SECTION

WAC 289-10-350 **PROGRAM AND EXERCISE AREAS.** (1) There shall be space for group meetings and training programs. Such space may be for multi-purpose use.

(2) If the facility plans to house prisoners over thirty days who are not authorized to leave the facility at least five days per week, or forty hours per week, outdoor and indoor exercise areas shall be provided.

NEW SECTION

WAC 289-10-360 KITCHEN AND DINING FACILITIES. (1) When kitchen facilities are included, such facilities shall meet the requirements of chapter 284-84 WAC, relating to food service sanitation.

(2) Dining areas shall be physically separate and apart from sleeping areas and shall have sufficient seating capacity.

NEW SECTION

WAC 289-10-370 VISITATION AND CONFIDENTIAL CONSULTATION. (1) If visiting is permitted, adequate space and seating capacity shall be provided.

(2) There shall be adequate space for confidential consultation(s).

NEW SECTION

WAC 289-10-380 LAUNDRY. If laundry services are provided within the facility, such facilities shall be adequate for sanitary washing and drying of the prisoners' laundry, and physically separate areas shall be provided for storage and sorting of soiled laundry and clean laundry.

NEW SECTION

WAC 289-10-390 STORAGE. There shall be secure areas for the safekeeping of prisoner personal clothing, property, records, medications and prescription drugs and necessary equipment and supplies.

NEW SECTION

WAC 289-10-400 SUPERVISORY STATIONS. Sufficient space and equipment for the facility supervisor and staff shall be provided.

NEW SECTION

WAC 289-10-410 CONTROL STATIONS. If control stations are to be included in the facility, they shall be secure from any unauthorized access by prisoners and public and shall be capable of controlling unauthorized access to the facility by the general public.

NEW SECTION

WAC 289-10-420 SURVEILLANCE AND LOCKING EQUIPMENT. Sight and sound surveillance equipment, when used, shall be monitored in an area not readily accessible to hearing or viewing by prisoners or the general public. Remote control locking devices, when used, shall be in an area inaccessible to prisoners or the general public.

NEW SECTION

WAC 289-10-430 ADMISSION AND RECEPTION AREAS. An admission area shall be provided with necessary ancillary facilities and furnishings.

NEW SECTION

WAC 289-10-440 MEDICAL EXAMINING ROOM. If medical examinations are performed in the facility, space shall be provided with sight and sound privacy and ancillary equipment and furnishings, including sufficient secure storage for medical equipment and supplies.

NEW SECTION

WAC 289-10-500 BUILDING CODES. New or substantially remodeled special detention facilities shall comply with the following:

(1) Chapter 19.27 RCW, State Building Code Act and the National Codes and Standards adopted by reference, in RCW 19.27.030, for new or substantially remodeled facilities, including:

(a) Uniform Building Code, including Group I Occupancies, Division 3, or Group R Occupancies which ever is deemed appropriate by local authority.

(b) Uniform Mechanical Code.

(c) Uniform Fire Code.

(d) Uniform Plumbing Code.

(e) Standards for access by the physically handicapped or elderly as provided in RCW 70.92.100 and regulations adopted thereunder.

(f) Thermal performance and design standards set forth in RCW 19.27.210 through 19.27.290.

(2) Codes deemed applicable by the cognizant local building department, for existing facilities which are not substantially remodeled.

(3) Chapter 19.28 RCW, Electricians and Electrical Installations.

(4) The National Fire Protection Association (NFPA) Life Safety Code.

(5) Other more restrictive mandatory local standards, codes or ordinances deemed applicable by local building authority.

NEW SECTION

WAC 289-10-510 WINDOWS AND/OR SKYLIGHTS. Windows and/or skylights shall be sufficient to provide reasonable natural light to living areas. (Not applicable - 72 hours)

NEW SECTION

WAC 289-10-520 TOILET—WASH BASIN. Special detention facilities shall provide one toilet which should be enclosed with partitions and doors, and one wash basin with hot and cold running water for every eight prisoners.

NEW SECTION

WAC 289-10-530 SHOWER/BATHING. Special detention facilities shall provide one shower or bathing facility with hot and cold running water for every ten prisoners. (Not applicable - 72 hours)

NEW SECTION

WAC 289-10-600 EMERGENCY POWER. There shall be emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one elevator, where one exists, and to provide minimum lighting within the facility.

AMENDATORY SECTION (Amending Order 5, filed 11/28/79)

WAC 289-02-020 DEFINITIONS. The following words and phrases shall have the meaning indicated whenever used in this title unless a different meaning is specifically indicated.

(1) "Clear floor space" means floor area which is unobstructed by any permanent fixture.

(2) "Contraband" means any substance or item not specifically permitted by a jail administration.

(3) "Commission" or "state jail commission" refers to the commission established pursuant to RCW 70.48.030.

(4) "Correctional facility" means a facility operated by a governing unit primarily designed, staffed and used for housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction, and rehabilitation following conviction of a criminal offense.

(5) "Day room" means a multipurpose area separate and distinct from a sleeping area, but adjacent thereto, designed primarily for prisoner leisure time activity exclusive of physical exercise activity.

(6) "Detention facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing or persons serving terms not to exceed ninety days.

(7) "Dormitory" means a secured sleeping and living area occupied by more than one prisoner.

(8) "Governing unit" means the city and/or county or any combination of cities and/or counties responsible for the operation, supervision, and maintenance of a jail.

(9) "Holding facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed thirty days.

(10) "Jail" means any holding, detention, or correctional facility as defined herein, or any farm, camp, or work release facility established and operated in conjunction with a jail.

(11) "Living area" includes single cells, dormitories, ~~(and)~~ day room area and leisure time activity space.

(12) "Major urban" refers to a county or combination of counties which contains a city having a population greater than twenty-six

thousand based on the 1978 projections of the office of financial management.

(13) "Medium urban" refers to a county or combination of counties which contains a city having a population equal to or greater than ten thousand but less than twenty-six thousand based on the 1978 projections of the office of financial management.

(14) "Public records" include any writing or recording which contains information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or returned by any state or local agency regardless of its physical form or characteristics.

(15) "Rural" refers to a county or combination of counties which does not contain a city having a population of more than ten thousand based on the 1978 projections of the office of financial management.

(16) "Single cell" means a secured sleeping area occupied by only one prisoner, and which is physically and visually separated from other prisoner sleeping areas on three of its four sides.

(17) "Communicable disease" means micro-organisms that are easily transferable from one body to another creating a condition which must be reported to the health department.

(18) "Work release program" means a program of scheduled release from the physical confines of a city or county jail, special detention facility or work release center for the purpose of employment, seeking employment or school.

(19) "Work release facility" means any building or designated portion of a building primarily designed, staffed, and used for the housing of persons participating in a work release program.

(20) "Leisure time activity space" means day room area, program area and exercise area.

(21) "Special detention facility" means a minimum security facility operated by a governing unit primarily designed, staffed, and used for the housing of special populations of sentenced persons who do not require the level of security normally provided in detention and correctional facilities including, but not necessarily limited to, persons convicted of offenses under RCW 46.61.502 or 46.61.504.

(22) "Substantially remodeled" means significant alterations made to the physical plant of a jail to conform with the physical plant standards.

NEW SECTION

WAC 289-02-050 CLASSIFICATION AND USES OF SPECIAL DETENTION AND WORK RELEASE FACILITIES. (1) The corrections standards board shall classify each special detention facility as a "72-hour" or "1-year" special detention facility pursuant to WAC 289-02-030.

(2) The corrections standards board shall classify each work release facility as a work release facility, pursuant to WAC 289-02-030.

WSR 84-17-140 PROPOSED RULES DEPARTMENT OF LICENSING

[Filed August 22, 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 titling, amending WAC 308-93-140;

that the agency will at 10:00 a.m., Friday, September 28, 1984, in the 4th Floor Conference Room, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 88.02.100.

The specific statute these rules are intended to implement is RCW 88.02.050.

Dated: August 22, 1984

By: Nancy Lawton
Assistant Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Title of Rules: Amending WAC 308-93-140 Decals—Placement.

Statutory Authority: This rule is to implement RCW 88.02.050.

Description of Purpose, Summary of Proposed Rule and Reason Supporting Action: This rule is being amended to clarify its originally intended meaning.

Personnel Responsible for Drafting and Implementing the Rules: Sandra Brooks, Administrator, Title and Registration Control Division, Second Floor, Highways-Licenses Building, Olympia, Washington 98504, Telephone: 234-6920 scan, (206) 753-6920 comm.

Proponents: This rule is proposed by the Department of Licensing.

Agency Comments: None.

Small Business Economic Impact Statement: Not required since this rule does not impact small businesses as defined by RCW 43.31.920.

AMENDATORY SECTION (Amending Order TL-RG-2, filed 6/21/84)

WAC 308-93-140 DECALS—PLACEMENT. Upon registration, the applicant will receive a registration document and two decals. The decals must be affixed to each side of the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145(2) and (3), within six inches of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section.

(1) Decals must be approximately three inches square.

(2) The year in which each validation sticker expires must be indicated by the colors, blue, international orange, green, and red, in rotation beginning with blue for stickers that expire in 1985.

WSR 84-17-141 PROPOSED RULES DEPARTMENT OF LICENSING [Filed August 22, 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 chapter 208, Laws of 1984, Washington Cosmetologists, Barbers and Manicurists Act, regarding the regulation and licensing of the practice of cosmetology, barbering and manicuring and of schools offering instruction in cosmetology, barbering and manicuring;

that the agency will at 9:00 a.m., Monday, October 1, 1984, in the Department of Licensing Examination Center, 1300 Quince Street S.E., Olympia, 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 chapter 208, Laws of 1984.

The specific statute these rules are intended to implement is chapter 208, Laws of 1984.

Dated: August 22, 1984
 By: John H. Keith
 Assistant Attorney General
 Department Counsel

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing.

Purpose: The purpose of the proposed rules is to implement chapter 208, Laws of 1984.

Summary: WAC 308-20-060 Surety bond requirement for schools. States (1) the amount of required surety bonds; (2) acceptable alternative methods and terms; (3) filing; (4) principal and surety; and (5) release of surety and director's responsibility. WAC 308-20-170 Passing scores. Passing score as determined by the cosmetology/barber/manicurist advisory board.

Statutory Authority: Chapter 208, Laws of 1984.

Reason Proposed: The adoption of the proposed rules will enhance the Department of Licensing's ability to protect the public.

Responsible Departmental Personnel: The following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Chris Robert Rose, Assistant Administrator, 1300 Quince S.E., Olympia, WA 98504, 234-1150 scan, 753-1150 comm; and Delores E. Spice, Executive Secretary, 1300 Quince S.E., Olympia, WA 98504, 234-3834 scan, 753-3834 comm.

Proponents: The subject matter of this rule hearing has been proposed by the Department of Licensing with advice from the Washington State Cosmetology, Barber and Manicurist Advisory Board.

Small Business Economic Impact Statement: A small business economic impact statement is not required since these rules do not impact small businesses as that term is defined by RCW 43.31.920.

NEW SECTION

WAC 308-20-060 SURETY BOND REQUIREMENT FOR SCHOOLS. All currently licensed schools will be required to file surety to meet the new requirements within ninety days of rules adoption. New applications for school license after July 1, 1984 will be required to meet the new requirement. Surety bonds shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the bond shall be twelve thousand dollars for all schools enrolling or intending to enroll twenty or more students for the protection of the students.

Schools enrolling or intending to enroll less than twenty students shall obtain a surety bond in the amount of six thousand dollars for the protection of the students.

(2) In lieu of the surety bond provided for herein, the school may furnish, file and deposit with the department, cash or other negotiable security. Such deposits in lieu of a bond shall be in the amount of such proportions as required in subsection (1) of this section. The following types of deposits are acceptable:

(a) Escrow account which provides the state of Washington with a recourse against the assets in the account as it would have against an insurance company on a bond.

(b) Certificate of deposit or government securities with a power of attorney which authorizes the state of Washington to have full recourse to the assets of the instrument as it would to an insurance company on a bond. The bank will assume the responsibility of keeping the instrument safe and shall not release the same to the owner of the school unless the department authorizes a release in writing.

(c) Irrevocable letter of credit from a bank, made payable to the state of Washington and deposited with the agency as would a bond.

(3) At the time of licensing each school shall file a surety bond with the director of licensing, hereinafter referred to as the director, in a

form acceptable to the department. The bond may be continuous or renewable at the time of renewal of license: PROVIDED, That the bond shall cover the full period during which a school is licensed unless the surety has been released as provided in subsection (5) of this section.

(4) The bond shall be executed by the licensed school as principal and by a surety company authorized to do business in this state as surety. The bond shall run to the state of Washington, for the benefit and protection of any student or enrollee, or, in the case of a minor, his or her parents or guardian, determined to have suffered loss or damage as a result of an act or practice by such school which is a violation of this chapter alleged to have occurred while the bond was in effect or as a result of the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

(5) A surety on a bond may be released by serving written notice thereof to the director at least thirty-five days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian, for loss or damage resulting from any act or practice which is a violation of this chapter or rules adopted under this chapter alleged to have occurred while the bond was in effect, or resulting from the school's failure to meet its obligations to a student or enrollee during the term for which tuition has been paid.

The director shall give the school at least thirty days' written notice prior to the release of the surety to the effect that its license will be suspended by operation of law until a sufficient surety bond is filed in the same manner and amount as the bond being terminated.

NEW SECTION

WAC 308-20-170 PASSING GRADES ON ALL EXAMINATIONS. Passing grades are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist/advisory board.

An applicant who receives a passing score of not less than 85 percent shall be entitled to a license.

Applicants for a barber license will be required to obtain a passing grade on the barber examination.

Applicants for a manicurist license will be required to obtain a passing grade on the manicurist examination.

Applicants for a cosmetology license will be required to obtain a passing grade on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform clinical services until successfully passing all three examinations.

If a cosmetology applicant passed the barber examination a barber license will be issued upon request.

If a cosmetology applicant passes the manicurist examination a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for the manicurist license will be required.

Applicants for cosmetology instructor license will be required to obtain a 90 percent grade on the instructor's examination. The instructor's examination will cover lesson planning and teaching techniques. The examination will consist of 200 questions with 45 percent of the questions to be on lesson planning.

WSR 84-17-142

ADOPTED RULES

BOARD OF PHARMACY

[Order 189—Filed August 22, 1984]

Be it resolved by the Washington State Board of Pharmacy, acting at Burien, Washington, that it does adopt the annexed rules relating to the amending of WAC 360-18-020.

This action is taken pursuant to Notice No. WSR 84-14-098 filed with the code reviser on July 3, 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 18.64.005 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED August 15, 1984.
By Donald H. Williams
Executive Secretary

AMENDATORY SECTION (Amending Order 184, filed 1/18/84 [1/25/84])

WAC 360-18-020 LICENSE FEES. Effective October 1, 1983, the following fees shall be charged by the board of pharmacy:

(a) PHARMACY LOCATION, CSA & PROPHYLACTIC	
Original pharmacy fee	\$125.00
Original CSA fee	35.00
Original prophylactic fee	10.00
Original pharmacy assistant utilization fee	30.00
Renewal pharmacy fee	65.00
Renewal CSA fee	30.00
Renewal prophylactic fee	10.00
Renewal pharmacy assistant utilization fee	30.00
Penalty pharmacy fee	130.00
(b) VENDOR	
Original fee	20.00
Renewal fee	20.00
Penalty fee	20.00
(c) PHARMACIST	
Exam fee (full exam)	100.00
Re-examination fee (jurisprudence portion)	25.00
Original license fee	75.00
Renewal fee	50.00
Penalty fee	50.00
Reciprocity fee	200.00
Certification of license status to other states	10.00
(d) SHOPKEEPER	
(i) <u>SHOPKEEPER - Sixteen or more drugs</u>	
Original fee	((20.00)) 10.00
Renewal fee	((20.00)) 10.00
Penalty fee	((20.00)) 5.00
(((i) SHOPKEEPER - 6 or fewer drugs	
Original fee	5.00
Renewal fee	5.00
Penalty fee	5.00))
(ii) SHOPKEEPER - with differential hours	
Original fee	((20.00)) 10.00
Renewal fee	((20.00)) 10.00
Penalty fee	((20.00)) 5.00

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(e) DRUG MANUFACTURER	
Original fee	175.00
Renewal fee	175.00
Penalty fee	175.00
(f) DRUG WHOLESALER - full line	
Original fee	175.00
Renewal fee	175.00
Penalty fee	175.00
(g) DRUG WHOLESALER - OTC only	
Original fee	125.00
Renewal fee	125.00
Penalty fee	125.00
(h) PHARMACY ASSISTANT - Level "A"	
Original fee	20.00
Renewal fee	((15.00)) [[20.00]] 15.00
(i) PHARMACY INTERN	
Original registration fee	10.00
Renewal registration fee	10.00

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

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

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

WSR 84-17-143
PROPOSED RULES
LOTTERY COMMISSION
[Filed August 22, 1984]

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

New	WAC 315-02-080	Filing of adopted rules.
Amd	WAC 315-04-190	Compensation.
Amd	WAC 315-30-080	On-line agent selection criteria.
Amd	WAC 315-32-040	Prizes for Evergreen Lotto;

that the agency will at 10:00 a.m., Friday, October 5, 1984, in the Commission Conference Room, 108 Park Village Plaza, 1200 Cooper Point Road S.W., Olympia, WA 98502, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 67.70.040.

The specific statute these rules are intended to implement is RCW 67.70.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before October 5, 1984.

Dated: August 22, 1984
By: Elwin Hart
Deputy Director

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 315-02-080 Filing of adopted rules; 315-04-190 Compensation; 315-30-080 On-line agent selection criteria; and 315-32-040 Prizes for Evergreen Lotto.

Statutory Authority: RCW 67.70.040.

Specific Statute that Rules are Intended to Implement: RCW 67.70.040.

Summary of the Rule(s): WAC 315-02-080, this new rule lists authorized agents of the commission who may sign the form CR-8 for the purpose of filing adopted rules; WAC 315-04-190, this amendment clarifies that in order to be authorized as an on-line agent, the agent must first become a licensed agent of the lottery. This amendment also provides that licensed agents may receive additional compensation through incentive programs; WAC 315-30-080, this amendment allows the director to issue an on-line endorsement to an agent who possesses a valid provisional license if that agent is a new owner of a previously established on-line location; and WAC 315-32-040, this amendment provides authority for the director to increase the minimum cash value of the jackpot. It limits the amount which can be added to the amount added to the jackpot from the previous week's sales.

Reasons Supporting the Proposed Rule(s): WAC 315-02-080, a new rule is needed to facilitate the filing of adopted rules by providing that more than one designated person may sign the form CR-8; WAC 315-32-040, additional language is needed to allow the director to increase the minimum cash value of the jackpot, but limit the amount of the increase; WAC 315-04-190, additional language is needed to clarify that before an agent is issued an on-line endorsement, the agent must become a licensed agent of the lottery. Additional language is also needed to allow the director to increase compensation to the agents through the addition of agent incentive programs; and WAC 315-30-080, additional language is needed to allow the director to issue an on-line endorsement to an agent who possesses a valid provisional license if that agent is a new owner of a previously established on-line location.

The Agency Personnel Responsible for Drafting: Peggy O'Neill, Contracts/Licensing Manager, Office of the Director, Washington State Lottery, P.O. Box 9702, Olympia, WA 98504, (206) 753-1947; Implementation and Enforcement: Washington State Lottery Commission, P.O. Box 9770, Olympia, WA 98504, (206) 753-1412, Robert Boyd, Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3330, Elwin Hart, Deputy Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3334, N. A. Stussy, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3329, William Robinson, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-1414, and Jamie Bailey, Assistant Director, Office of the Director, Washington State Lottery, P.O. Box 9770, Olympia, WA 98504, (206) 753-3384.

Name of the Person or Organization, Whether Private, Public, or Governmental, that is Proposing the Rule: Washington State Lottery 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 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.

Small Business Economic Impact Statement Requirement: The office of the director, Washington State Lottery, has reviewed the requirements to file a small business economic impact statement and has determined that such a statement is not required for the rules proposed by the Washington State Lottery Commission for the following reason: These rules will only affect those businesses large and small, which voluntarily apply to be licensed agents for the sale of lottery tickets or contractors who provide other services to the office of the director, Washington State Lottery or who voluntarily interact with the office of the director, Washington State Lottery. No business or industry will be required to comply with these rules unless they wish to provide services to or interact with the office of the director, Washington State Lottery.

NEW SECTION

WAC 315-02-080 FILING OF ADOPTED RULES. The commission hereby authorizes each of the following to act as an agent of the commission for the purpose of signing form CR-8 promulgated by the Code Reviser for the purpose of filing adopted rules:

- (1) Each member of the commission;
- (2) Director;
- (3) Deputy director;
- (4) Assistant director for operations and enforcement.

AMENDATORY SECTION (Amending Order 42, filed 12/8/83)

WAC 315-04-190 COMPENSATION. (1) Licensed agents shall be entitled to a five percent discount from the retail price of the instant game tickets established by rule for each game.

(2) ~~((On-line))~~ Licensed agents authorized to sell on-line tickets shall be entitled to a five percent discount from the total of gross on-line ticket sales less on-line ticket cancellations.

(3) Licensed agents may receive additional compensation through incentive programs including but not limited to additional discounts, agent games, agent awards, and agent bonuses.

AMENDATORY SECTION (Amending Order 51, filed 2/7/84)

WAC 315-30-080 ON-LINE AGENT SELECTION CRITERIA. (1) The selection and distribution of on-line agents throughout the state will be based on:

(a) The number of licensed agents in each of the regions identified in WAC 315-12-030, and then;

(b) The potential for revenue generation, demographics, and public accessibility within that region.

(2) An on-line license endorsement shall be issued only to a person who possesses a valid general license, provided, the director may issue an on-line endorsement to an agent who possesses a valid provisional license if that agent is a new owner of a previously established on-line location.

(3) In addition, the director shall consider the following factors in the selection of on-line agents.

(a) Business and security considerations which include but are not limited to: (i) Instant game accounts receivable record, (ii) criminal history of owners and officers, (iii) history of criminal activity at the business establishment, (iv) past security problems, (v) credit rating as

defined in WAC 315-30-090, (vi) licensing requirements, and (vii) history of administrative or regulatory actions.

(b) Marketing considerations which include but are not limited to: (i) Customer traffic and sales volume, (ii) lottery-oriented consumers, (iii) market potential, and (iv) management commitment to lottery products.

(4) The lottery will install approximately five hundred TDMs initially with approximately fifty TDMs added each month for the first twelve months and approximately twenty-five TDMs per month thereafter. The director shall determine the total number of TDM's to be installed throughout the state. In determining the order in which TDMs will be installed within a given geographic area, the following factors will be considered:

- (a) Demonstrated high-volume instant ticket sales;
- (b) High customer traffic;
- (c) Easy in and out access;
- (d) Management commitment to lottery products; and
- (e) Store traffic patterns relative to TDM placement.

(5) The director may, after a TDM has been in operation for six months, order the removal of a TDM from an on-line agent location after considering marketing factors which include but are not limited to:

- (a) Accessibility of the on-line agent's place of business to the public;
 - (b) Sufficiency of TDMs in the geographic area to provide public accessibility; and
 - (c) A nonmetropolitan area on-line agent's average on-line sales volume over four consecutive weeks; or
 - (d) A metropolitan area on-line agent's failure to meet the average on-line minimum sales volume requirement of two thousand five hundred dollars per week over four consecutive weeks.
- (6) The director may immediately discontinue a TDM's operation, order removal of a TDM from an on-line agent location, or take any other action authorized under WAC 315-04-200 in the event that the on-line agent:

- (a) Fails to comply with any rule established by the commission, any instruction issued by the director, or any terms of the licensed agent contract or on-line agent contract addendum;
- (b) Tamper with or attempts to tamper with the TDM or on-line system;
- (c) Fails to make payment of a prize; or
- (d) Makes payment with a business check and the check is dishonored for any reason.

AMENDATORY SECTION (Amending Order 57 [61], filed 6/6/84 [8/3/84])

WAC 315-32-040 PRIZES FOR EVERGREEN LOTTO. (1) The prize amounts to be paid to each Evergreen Lotto player who selects a winning combination of numbers vary due to the parimutuel calculation of prizes. The prize amounts are based on the total amount in the prize pool for that Evergreen Lotto drawing distributed over the number of winning tickets in each of the following categories.

<u>WINNING COMBINATIONS</u>	<u>PRIZE CATEGORIES</u>
All six winning numbers in one play	First Prize (Jackpot)
Any five but not six winning numbers in one play	Second Prize
Any four but not five or six winning numbers in one play	Third Prize

(2) Prize pool. The prize pool consists of forty-five percent of Evergreen Lotto revenue.

(3) Prize amounts.
 (a) First prize (jackpot). Fifty-eight percent of the prize pool is to be divided equally among all players who selected all six winning numbers in one play (in any sequence), provided, that the jackpot shall have a minimum cash value of \$500,000. The director may increase the minimum cash value of the jackpot by an amount not to exceed the amount added to the jackpot from the prior week's sales.

(b) Second prize. Twenty percent of the prize pool is to be divided equally among all players who selected five of the six winning numbers in one play (in any sequence).

(c) Third prize. Twenty percent of the prize pool is to be divided equally among all players who selected four of the six winning numbers in one play (in any sequence).

(d) Prize reserve. Two percent of the prize pool is to be held for payment of jackpot prizes at the discretion of the director.

(e) All prize allocations will be rounded down to nearest dollar, and the remainder, if any, from the rounding process shall be placed in the prize reserve.

(f) The holder of a winning ticket may win only one prize per play in connection with the winning number drawn but shall be entitled only to the highest prize category won by those numbers.

(4) Roll-over feature.

(a) If no player selects all six winning numbers for any given drawing, the jackpot accumulated for that drawing will be added to the jackpot accumulation for the next drawing. This process is repeated until the jackpot is won.

(b) If no player selects five of the six winning numbers for any given drawing, the second prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(c) If no player selects four of the six winning numbers for any given drawing, the third prize allocation will be added to the jackpot accumulation for the next drawing or placed in the prize reserve for future consideration at the discretion of the director.

(5) Prize payments will be made in accordance with WAC 315-30-030(6).

(a) Each prize that has a cash value of \$500,000 or more shall be paid in twenty equal annual payments.

(b) Each prize that has a cash value from \$250,000 up to but not including \$500,000 shall be paid in ten equal annual payments.

(c) Each prize that has a cash value of less than \$250,000 shall be paid in a single lump sum.

(d) For prizes paid over a period of years, the lottery will make the first annual payment. The remaining payments will be paid in the form of fixed term annuity.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:
 AMD = Amendment of existing section
 NEW = New section not previously codified
 OBJEC = Notice of objection by Joint Administrative Rules Review Committee
 REP = Repeal of existing section
 READOPT = Readoption of existing section
 REAFF = Order assuming and reaffirming rules
 RESCIND = Rescind previous emergency rule
 REVIEW = Review of previously adopted rule
 STMT = Statement regarding previously adopted rule

Suffixes:
 -P = Proposed action
 -C = Continuance of previous proposal
 -E = Emergency action
 -W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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16-86-006	REP	84-08-037	16-212-090	REP	84-14-065	16-228-210	AMD-P	84-05-014
16-86-007	REP-P	84-04-083	16-212-120	AMD-P	84-11-089	16-228-210	AMD	84-09-011
16-86-007	REP	84-08-037	16-212-120	AMD	84-14-065	16-228-220	AMD-P	84-05-014
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16-86-009	REP	84-08-037	16-213-200	NEW	84-06-036	16-228-225	AMD-P	84-05-014
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16-125-120	NEW-P	84-15-054	16-228-155	AMD	84-09-011	16-230-050	REP	84-09-012
16-212-010	AMD-P	84-11-089	16-228-160	AMD-P	84-05-014	16-230-060	REP-P	84-05-066
16-212-010	AMD	84-14-065	16-228-160	AMD	84-09-011	16-230-060	REP	84-09-012
16-212-030	AMD-P	84-11-089	16-228-161	NEW-P	84-05-014	16-230-075	AMD-P	84-05-066
16-212-030	AMD	84-14-065	16-228-161	NEW	84-09-011	16-230-075	AMD	84-09-012
16-212-050	REP-P	84-11-089	16-228-162	AMD-P	84-05-014	16-230-076	NEW-P	84-05-066
16-212-050	REP	84-14-065	16-228-162	AMD	84-09-011	16-230-076	NEW	84-09-012
16-212-060	AMD-P	84-11-089	16-228-165	AMD-P	84-05-014	16-230-078	NEW-P	84-05-066
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16-316-916	NEW	84-13-041	44-06-140	AMD	84-10-031	82-50-021	AMD	84-14-046
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16-316-921	NEW	84-13-041	50-20-050	AMD-P	84-03-009	106-116-501	AMD	84-08-044
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16-319-020	AMD	84-13-079	67-25-005	AMD-E	84-15-015	106-124-700	NEW-P	84-09-040
16-319-041	AMD-P	84-10-077	67-25-005	AMD-P	84-16-052	106-124-700	NEW	84-12-027
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16-319-061	AMD-P	84-10-077	67-25-325	AMD-P	84-16-052	106-136-411	AMD	84-12-027
16-319-061	AMD	84-13-079	67-25-360	NEW-E	84-15-015	118-03-010	AMD-E	84-11-054
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16-324-350	REP	84-11-051	67-25-385	AMD-E	84-15-015	118-03-050	AMD-E	84-11-054
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16-470-010	NEW-P	84-06-054	67-25-388	AMD-P	84-16-052	118-04-010	NEW	84-11-022
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16-470-015	NEW	84-10-039	67-35-020	AMD-P	84-06-055	118-04-050	NEW-P	84-08-074
16-470-020	NEW-P	84-06-054	67-35-020	AMD	84-09-048	118-04-050	NEW	84-11-022
16-470-020	NEW	84-10-039	67-35-030	AMD-P	84-06-055	118-04-070	NEW-P	84-08-074
16-470-030	NEW-P	84-06-054	67-35-030	AMD	84-09-048	118-04-070	NEW	84-11-022
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118-04-130	NEW	84-11-022	132I-116-080	REP	84-14-020	132Q-04-240	AMD-P	84-15-052
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118-04-170	NEW	84-11-022	132I-116-110	AMD-P	84-09-039	132Q-136-020	NEW-P	84-15-036
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120-06	REAFF	84-14-064	132I-116-180	REP	84-14-020	136-100-020	NEW	84-16-065
120-08	REAFF	84-14-064	132I-116-190	AMD-P	84-09-039	136-100-030	NEW-P	84-11-064
120-52	REAFF	84-14-064	132I-116-190	AMD	84-14-020	136-100-030	NEW	84-16-065
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131-28-090	NEW-E	84-17-055	132I-116-220	REP	84-14-020	136-110-010	NEW	84-16-065
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132A-136-010	AMD-P	84-09-031	132I-116-230	AMD-P	84-09-039	136-110-030	NEW-P	84-11-064
132A-136-010	AMD	84-14-019	132I-116-230	AMD	84-14-020	136-110-030	NEW	84-16-065
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132F-120-030	AMD	84-03-028	132I-116-240	AMD	84-14-020	136-110-040	NEW	84-16-065
132F-120-040	AMD	84-03-028	132I-116-250	AMD-P	84-09-039	136-110-050	NEW-P	84-11-064
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132F-120-100	AMD	84-03-028	132J-160-010	AMD	84-11-021	136-130-020	NEW	84-16-065
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132F-120-170	AMD	84-03-028	132J-160-040	REP	84-11-021	136-130-050	NEW	84-16-065
132F-120-180	AMD	84-03-028	132J-160-045	NEW-P	84-06-053	136-130-060	NEW-P	84-11-064
132F-120-190	AMD	84-03-028	132J-160-045	NEW	84-11-021	136-130-060	NEW	84-16-065
132F-120-200	AMD	84-03-028	132J-160-050	AMD-P	84-06-053	136-130-070	NEW-P	84-11-064
132F-120-210	NEW	84-03-028	132J-160-050	AMD	84-11-021	136-130-070	NEW	84-16-065
132F-120-510	REP	84-03-028	132Q-04-010	AMD-P	84-15-052	136-130-080	NEW-P	84-11-064
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132H-160-180	AMD-C	84-12-006	132Q-04-067	AMD-P	84-15-052	136-150-020	NEW	84-16-065
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132I-116-020	AMD-P	84-09-039	132Q-04-100	AMD-P	84-15-052	136-160-010	NEW	84-16-065
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132I-116-040	AMD-P	84-09-039	132Q-04-140	AMD-P	84-15-052	136-160-030	NEW	84-16-065
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136-170-020	NEW	84-16-065	137-12A-040	AMD-P	84-11-067	137-28-097	NEW-P	84-14-076
136-170-030	NEW-P	84-11-064	137-12A-040	AMD	84-14-077	137-28-097	NEW-E	84-15-041
136-170-030	NEW	84-16-065	137-12A-050	NEW-P	84-03-014	137-28-097	NEW	84-17-058
136-180-010	NEW-P	84-11-064	137-12A-050	NEW	84-06-009	137-28-100	NEW-P	84-14-076
136-180-010	NEW	84-16-065	137-12A-050	AMD-P	84-11-067	137-28-100	NEW-E	84-15-041
136-180-020	NEW-P	84-11-064	137-12A-050	AMD	84-14-077	137-28-100	NEW	84-17-058
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136-180-030	NEW-P	84-11-064	137-12A-060	NEW	84-06-009	137-28-105	NEW-E	84-15-041
136-180-030	NEW	84-16-065	137-12A-070	NEW-P	84-03-014	137-28-105	NEW	84-17-058
136-180-040	NEW-P	84-11-064	137-12A-070	NEW	84-06-009	137-28-110	NEW-P	84-14-076
136-180-040	NEW	84-16-065	137-12A-080	NEW-P	84-03-014	137-28-110	NEW-E	84-15-041
136-200-010	NEW-P	84-11-064	137-12A-080	NEW	84-06-009	137-28-110	NEW	84-17-058
136-200-010	NEW	84-16-065	137-12A-090	NEW-P	84-03-014	137-28-115	NEW-P	84-14-076
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137-12-060	REP	84-06-009	137-28-072	NEW-P	84-14-076	137-70-055	NEW	84-11-033
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137-12-070	REP	84-06-009	137-28-072	NEW	84-17-058	137-70-057	NEW	84-11-033
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173-801-090	REP	84-13-037	173-806-010	NEW-P	84-10-049	174-109-070	NEW-C	84-11-020
173-801-100	REP-P	84-09-081	173-806-010	NEW	84-13-036	174-109-070	NEW	84-17-108
173-801-100	REP	84-13-037	173-806-020	NEW-P	84-10-049	174-109-080	NEW-P	84-08-064
173-801-110	REP-P	84-09-081	173-806-020	NEW	84-13-036	174-109-080	NEW-C	84-11-020
173-801-110	REP	84-13-037	173-806-030	NEW-P	84-10-049	174-109-080	NEW	84-17-108
173-801-120	REP-P	84-09-081	173-806-030	NEW	84-13-036	174-109-090	NEW-P	84-08-064
173-801-120	REP	84-13-037	173-806-040	NEW-P	84-10-049	174-109-090	NEW-C	84-11-020
173-801-130	REP-P	84-09-081	173-806-040	NEW	84-13-036	174-109-090	NEW	84-17-108
173-801-130	REP	84-13-037	173-806-045	NEW-P	84-10-049	174-109-100	NEW-P	84-08-064
173-802-010	NEW-P	84-09-081	173-806-050	NEW-P	84-10-049	174-109-100	NEW-C	84-11-020
173-802-010	NEW	84-13-037	173-806-050	NEW	84-13-036	174-109-100	NEW	84-17-108
173-802-020	NEW-P	84-09-081	173-806-053	NEW	84-13-036	174-109-200	NEW-P	84-08-064
173-802-020	NEW	84-13-037	173-806-055	NEW	84-13-036	174-109-200	NEW-C	84-11-020
173-802-030	NEW-P	84-09-081	173-806-058	NEW	84-13-036	174-109-200	NEW	84-17-108
173-802-030	NEW	84-13-037	173-806-060	NEW-P	84-10-049	174-109-300	NEW-P	84-08-064
173-802-040	NEW-P	84-09-081	173-806-065	NEW	84-13-036	174-109-300	NEW-C	84-11-020
173-802-040	NEW	84-13-037	173-806-070	NEW-P	84-10-049	174-109-300	NEW	84-17-108
173-802-050	NEW-P	84-09-081	173-806-070	NEW	84-13-036	174-109-400	NEW-P	84-08-064
173-802-050	NEW	84-13-037	173-806-080	NEW-P	84-10-049	174-109-400	NEW-C	84-11-020
173-802-060	NEW-P	84-09-081	173-806-080	NEW	84-13-036	174-109-400	NEW	84-17-108
173-802-060	NEW	84-13-037	173-806-090	NEW-P	84-10-049	174-109-500	NEW-P	84-08-064
173-802-070	NEW-P	84-09-081	173-806-090	NEW	84-13-036	174-109-500	NEW-C	84-11-020
173-802-070	NEW	84-13-037	173-806-100	NEW-P	84-10-049	174-109-500	NEW	84-17-108
173-802-080	NEW-P	84-09-081	173-806-100	NEW	84-13-036	174-116-011	AMD-P	84-10-047
173-802-080	NEW	84-13-037	173-806-110	NEW	84-13-036	174-116-011	AMD	84-13-056
173-802-090	NEW-P	84-09-081	173-806-120	NEW-P	84-10-049	174-116-040	AMD-P	84-10-047
173-802-090	NEW	84-13-037	173-806-120	NEW	84-13-036	174-116-040	AMD	84-13-056
173-802-100	NEW-P	84-09-081	173-806-125	NEW-P	84-10-049	174-116-044	AMD-P	84-10-047
173-802-100	NEW	84-13-037	173-806-125	NEW	84-13-036	174-116-044	AMD	84-13-056
173-802-110	NEW-P	84-09-081	173-806-128	NEW	84-13-036	174-116-119	AMD-P	84-10-047
173-802-110	NEW	84-13-037	173-806-130	NEW-P	84-10-049	174-116-119	AMD	84-13-056
173-802-120	NEW-P	84-09-081	173-806-130	NEW	84-13-036	174-116-122	AMD-P	84-10-047
173-802-120	NEW	84-13-037	173-806-140	NEW-P	84-10-049	174-116-122	AMD	84-13-056
173-802-130	NEW-P	84-09-081	173-806-140	NEW	84-13-036	174-116-123	AMD-P	84-10-047
173-802-130	NEW	84-13-037	173-806-150	NEW-P	84-10-049	174-116-123	AMD	84-13-056
173-802-140	NEW-P	84-09-081	173-806-150	NEW	84-13-036	174-148-010	REP-P	84-08-064
173-802-140	NEW	84-13-037	173-806-155	NEW	84-13-036	174-148-010	REP-C	84-11-020
173-802-150	NEW-P	84-09-081	173-806-160	NEW-P	84-10-049	174-148-015	REP-P	84-08-064
173-802-150	NEW	84-13-037	173-806-160	NEW	84-13-036	174-148-015	REP-C	84-11-020
173-802-190	NEW-P	84-09-081	173-806-170	NEW-P	84-10-049	174-148-030	REP-P	84-08-064
173-802-190	NEW	84-13-037	173-806-170	NEW	84-13-036	174-148-030	REP-C	84-11-020
173-805-010	REP-P	84-10-049	173-806-173	NEW	84-13-036	174-148-040	REP-P	84-08-064
173-805-010	REP	84-13-036	173-806-175	NEW	84-13-036	174-148-040	REP-C	84-11-020
173-805-020	REP-P	84-10-049	173-806-180	NEW-P	84-10-049	174-148-050	REP-P	84-08-064
173-805-020	REP	84-13-036	173-806-180	NEW	84-13-036	174-148-050	REP-C	84-11-020
173-805-030	REP-P	84-10-049	173-806-185	NEW	84-13-036	174-148-060	REP-P	84-08-064
173-805-030	REP	84-13-036	173-806-190	NEW-P	84-10-049	174-148-060	REP-C	84-11-020
173-805-040	REP-P	84-10-049	173-806-190	NEW	84-13-036	174-148-070	REP-P	84-08-064
173-805-040	REP	84-13-036	173-806-200	NEW-P	84-10-049	174-148-070	REP-C	84-11-020
173-805-050	REP-P	84-10-049	173-806-200	NEW	84-13-036	174-148-080	REP-P	84-08-064
173-805-050	REP	84-13-036	173-806-210	NEW	84-13-036	174-148-080	REP-C	84-11-020
173-805-060	REP-P	84-10-049	173-806-210	NEW-P	84-10-049	174-148-085	REP-P	84-08-064
173-805-060	REP	84-13-036	173-806-220	NEW-P	84-10-049	174-148-085	REP-C	84-11-020
173-805-070	REP-P	84-10-049	173-806-220	NEW	84-13-036	174-148-090	REP-P	84-08-064
173-805-070	REP	84-13-036	173-806-230	NEW	84-13-036	174-148-090	REP-C	84-11-020
173-805-080	REP-P	84-10-049	174-104-010	AMD-C	84-04-017	174-148-100	REP-P	84-08-064
173-805-080	REP	84-13-036	174-104-010	AMD-C	84-09-051	174-148-100	REP-C	84-11-020
173-805-090	REP-P	84-10-049	174-104-010	AMD	84-14-025	174-148-110	REP-P	84-08-064
173-805-090	REP	84-13-036	174-109-010	NEW-P	84-08-064	174-148-110	REP-C	84-11-020
173-805-100	REP-P	84-10-049	174-109-010	NEW-C	84-11-020	174-148-120	REP-P	84-08-064
173-805-100	REP	84-13-036	174-109-010	NEW	84-17-108	174-148-120	REP-C	84-11-020
173-805-105	REP-P	84-10-049	174-109-020	NEW-P	84-08-064	177-04	REAFF	84-14-064
173-805-105	REP	84-13-036	174-109-020	NEW-C	84-11-020	177-06	REAFF	84-14-064
173-805-110	REP-P	84-10-049	174-109-020	NEW	84-17-108	177-08	REAFF	84-14-064
173-805-110	REP	84-13-036	174-109-030	NEW-P	84-08-064	180-16-002	NEW-P	84-08-051
173-805-115	REP-P	84-10-049	174-109-030	NEW-C	84-11-020	180-16-002	NEW	84-11-043
173-805-115	REP	84-13-036	174-109-030	NEW	84-17-108	180-16-003	REP-P	84-08-051
173-805-120	REP-P	84-10-049	174-109-040	NEW-P	84-08-064	180-16-003	REP	84-11-043
173-805-120	REP	84-13-036	174-109-040	NEW-C	84-11-020	180-16-006	NEW-P	84-08-051
173-805-121	REP-P	84-10-049	174-109-040	NEW	84-17-108	180-16-006	NEW	84-11-043
173-805-121	REP	84-13-036	174-109-050	NEW-P	84-08-064	180-16-191	AMD-P	84-08-051
173-805-130	REP-P	84-10-049	174-109-050	NEW-C	84-11-020	180-16-191	AMD	84-11-043

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-16-195	AMD-P	84-08-051	180-23-050	NEW-P	84-08-050	180-51-010	NEW	84-11-049
180-16-195	AMD	84-11-043	180-23-050	NEW	84-11-045	180-51-015	NEW-P	84-08-076
180-16-200	AMD-P	84-08-051	180-23-055	NEW-P	84-08-050	180-51-015	NEW	84-11-049
180-16-200	AMD	84-11-043	180-23-055	NEW	84-11-045	180-51-020	NEW-P	84-08-076
180-16-205	AMD-P	84-08-051	180-23-058	NEW-P	84-08-050	180-51-020	NEW	84-11-049
180-16-205	AMD	84-11-043	180-23-058	NEW	84-11-045	180-51-025	NEW-P	84-08-076
180-16-210	AMD-P	84-08-051	180-23-060	NEW-P	84-08-050	180-51-025	NEW	84-11-049
180-16-210	AMD	84-11-043	180-23-060	NEW	84-11-045	180-51-030	NEW-P	84-08-076
180-16-220	AMD-P	84-08-051	180-23-065	NEW-P	84-08-050	180-51-030	NEW	84-11-049
180-16-220	AMD	84-11-043	180-23-065	NEW	84-11-045	180-51-035	NEW-P	84-08-076
180-16-225	AMD-P	84-08-051	180-23-070	NEW-P	84-08-050	180-51-035	NEW	84-11-049
180-16-225	AMD	84-11-043	180-23-070	NEW	84-11-045	180-51-040	NEW-P	84-08-076
180-16-240	AMD-P	84-08-051	180-23-070	AMD-P	84-17-085	180-51-040	NEW	84-11-049
180-16-240	AMD	84-11-043	180-23-075	NEW-P	84-08-050	180-51-045	NEW-P	84-08-076
180-22-100	NEW-P	84-08-047	180-23-075	NEW	84-11-045	180-51-045	NEW	84-11-049
180-22-100	NEW-W	84-08-058	180-23-077	NEW-P	84-08-050	180-51-050	NEW-P	84-08-076
180-22-100	NEW-P	84-17-084	180-23-077	NEW	84-11-045	180-51-050	NEW	84-11-049
180-22-105	NEW-P	84-08-047	180-23-078	NEW-P	84-08-050	180-51-055	NEW	84-11-049
180-22-105	NEW-W	84-08-058	180-23-078	NEW	84-11-045	180-51-060	NEW-P	84-08-076
180-22-105	NEW-P	84-17-084	180-23-080	NEW-P	84-08-050	180-51-060	NEW	84-11-049
180-22-140	NEW-P	84-08-047	180-23-080	NEW	84-11-045	180-51-065	NEW-P	84-08-076
180-22-140	NEW-W	84-08-058	180-23-085	NEW-P	84-08-050	180-51-065	NEW	84-11-049
180-22-140	NEW-P	84-17-084	180-23-085	NEW	84-11-045	180-51-070	NEW-P	84-08-076
180-22-150	AMD-P	84-08-047	180-23-090	NEW-P	84-08-050	180-51-070	NEW	84-11-049
180-22-150	AMD-W	84-08-058	180-23-090	NEW	84-11-045	180-51-075	NEW-P	84-08-076
180-22-150	AMD-P	84-17-084	180-23-095	NEW-P	84-08-050	180-51-075	NEW	84-11-049
180-22-200	REP-P	84-08-047	180-23-095	NEW	84-11-045	180-51-080	NEW-P	84-08-076
180-22-200	REP-W	84-08-058	180-23-100	NEW-P	84-08-050	180-51-080	NEW	84-11-049
180-22-200	REP-P	84-17-084	180-23-100	NEW	84-11-045	180-51-085	NEW-P	84-08-076
180-22-250	REP-P	84-08-047	180-23-105	NEW-P	84-08-050	180-51-085	NEW	84-11-049
180-22-250	REP-W	84-08-058	180-23-105	NEW	84-11-045	180-51-100	NEW-P	84-08-076
180-22-250	REP-P	84-08-059	180-23-110	NEW-P	84-08-050	180-51-100	NEW	84-11-049
180-22-250	REP	84-11-044	180-23-110	NEW	84-11-045	180-51-105	NEW-P	84-08-076
180-22-255	REP-P	84-08-047	180-23-115	NEW-P	84-08-050	180-51-105	NEW	84-11-049
180-22-255	REP-W	84-08-058	180-23-115	NEW	84-11-045	180-51-110	NEW-P	84-08-076
180-22-255	REP-P	84-08-059	180-23-120	NEW-P	84-08-050	180-51-110	NEW	84-11-049
180-22-255	REP	84-11-044	180-23-120	NEW	84-11-045	180-51-115	NEW-P	84-08-076
180-22-260	REP-P	84-08-047	180-26-025	AMD-P	84-08-049	180-51-115	NEW	84-11-049
180-22-260	REP-W	84-08-058	180-26-025	AMD	84-11-046	180-55-010	AMD-P	84-08-075
180-22-260	REP-P	84-08-059	180-27-035	AMD-P	84-08-048	180-55-010	AMD	84-11-050
180-22-260	REP	84-11-044	180-27-035	AMD	84-11-047	180-55-015	AMD-P	84-08-075
180-22-265	REP-P	84-08-047	180-27-040	AMD-P	84-08-048	180-55-015	AMD	84-11-050
180-22-265	REP-W	84-08-058	180-27-040	AMD	84-11-047	180-55-020	AMD-P	84-08-075
180-22-265	REP-P	84-08-059	180-27-053	NEW-P	84-08-048	180-55-020	AMD	84-11-050
180-22-265	REP	84-11-044	180-27-053	NEW-C	84-11-048	180-55-050	AMD-P	84-08-075
180-22-270	REP-P	84-08-047	180-27-053	NEW-P	84-17-083	180-55-050	AMD	84-11-050
180-22-270	REP-W	84-08-058	180-27-054	NEW-P	84-08-048	180-56-003	NEW-P	84-17-088
180-22-270	REP-P	84-08-059	180-27-054	NEW-C	84-11-048	180-56-006	REP-P	84-17-088
180-22-270	REP	84-11-044	180-27-054	NEW-P	84-17-083	180-56-011	REP-P	84-17-088
180-22-275	REP-P	84-08-047	180-27-060	AMD-P	84-08-048	180-56-016	REP-P	84-17-088
180-22-275	REP-W	84-08-058	180-27-060	AMD	84-11-047	180-56-021	REP-P	84-17-088
180-22-275	REP-P	84-08-059	180-27-070	AMD-P	84-04-084	180-56-023	REP-P	84-17-088
180-22-275	REP	84-11-044	180-27-070	AMD	84-07-036	180-56-026	REP-P	84-17-088
180-22-280	REP-P	84-08-047	180-29-090	AMD-P	84-17-086	180-56-031	REP-P	84-17-088
180-22-280	REP-W	84-08-058	180-29-095	AMD-P	84-17-086	180-56-036	REP-P	84-17-088
180-22-280	REP-P	84-08-059	180-50-010	REP-P	84-17-087	180-56-041	REP-P	84-17-088
180-22-280	REP	84-11-044	180-50-020	REP-P	84-17-087	180-56-046	REP-P	84-17-088
180-22-285	REP-P	84-08-047	180-50-030	REP-P	84-17-087	180-56-051	REP-P	84-17-088
180-22-285	REP-W	84-08-058	180-50-040	REP-P	84-17-087	180-56-056	REP-P	84-17-088
180-22-285	REP-P	84-08-059	180-50-050	REP-P	84-17-087	180-56-061	REP-P	84-17-088
180-22-285	REP	84-11-044	180-50-070	REP-P	84-17-087	180-56-066	REP-P	84-17-088
180-22-290	REP-P	84-08-047	180-50-100	NEW-P	84-17-087	180-72-045	AMD-P	84-17-089
180-22-290	REP-W	84-08-058	180-50-105	NEW-P	84-17-087	180-72-060	AMD-P	84-17-089
180-22-290	REP-P	84-08-059	180-50-110	NEW-P	84-17-087	180-72-065	AMD-P	84-17-089
180-22-290	REP	84-11-044	180-50-115	NEW-P	84-17-087	182-08-140	REP-E	84-04-063
180-22-295	REP-P	84-08-047	180-50-120	NEW-P	84-17-087	182-08-140	REP-P	84-05-029
180-22-295	REP-W	84-08-058	180-50-125	NEW-P	84-17-087	182-08-140	REP-E	84-09-060
180-22-295	REP-P	84-08-059	180-50-130	NEW-P	84-17-087	182-08-150	REP-E	84-04-063
180-22-295	REP	84-11-044	180-50-135	NEW-P	84-17-087	182-08-150	REP-P	84-05-029
180-23-037	NEW-P	84-08-050	180-50-140	NEW-P	84-17-087	182-08-150	REP-E	84-09-060
180-23-040	NEW	84-11-045	180-50-300	NEW-P	84-17-087	182-08-195	NEW-E	84-04-063
180-23-040	NEW-P	84-08-050	180-50-310	NEW-P	84-17-087	182-08-195	NEW-P	84-05-029
180-23-040	NEW	84-11-045	180-50-315	NEW-P	84-17-087	182-08-195	NEW	84-09-043
180-23-043	NEW-P	84-08-050	180-50-320	NEW-P	84-17-087	182-08-195	NEW-E	84-09-060
180-23-043	NEW	84-11-045	180-51-005	NEW-P	84-08-076			
180-23-047	NEW-P	84-08-050	180-51-005	NEW	84-11-049			
180-23-047	NEW	84-11-045	180-51-010	NEW-P	84-08-076			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
182-12-125	AMD-E	84-04-063	192-23-320	NEW	84-13-050	197-10-230	REP	84-05-021
182-12-125	AMD-P	84-05-029	192-23-350	NEW-P	84-10-022	197-10-235	REP	84-05-021
182-12-125	AMD	84-09-043	192-23-350	NEW-E	84-10-023	197-10-240	REP	84-05-021
182-12-125	REP-E	84-09-044	192-23-350	NEW	84-13-050	197-10-245	REP	84-05-021
182-12-125	REP-P	84-10-020	192-23-800	NEW-P	84-10-022	197-10-260	REP	84-05-021
182-12-125	REP-C	84-13-012	192-23-800	NEW-E	84-10-023	197-10-270	REP	84-05-021
182-12-125	REP	84-14-058	192-23-800	NEW	84-13-050	197-10-300	REP	84-05-021
192-12-131	NEW	84-02-061	192-23-810	NEW-P	84-10-022	197-10-305	REP	84-05-021
192-12-131	REP-E	84-09-033	192-23-810	NEW-E	84-10-023	197-10-310	REP	84-05-021
192-12-131	REP-P	84-09-034	192-23-810	NEW	84-13-050	197-10-320	REP	84-05-021
192-12-131	REP	84-13-050	192-23-820	NEW-P	84-10-022	197-10-330	REP	84-05-021
192-12-132	NEW	84-02-061	192-23-820	NEW-E	84-10-023	197-10-340	REP	84-05-021
192-12-132	REP-E	84-09-033	192-23-900	NEW-P	84-10-022	197-10-345	REP	84-05-021
192-12-132	REP-P	84-09-034	192-23-900	NEW-E	84-10-023	197-10-350	REP	84-05-021
192-12-132	REP	84-13-050	192-23-900	NEW	84-13-050	197-10-355	REP	84-05-021
192-12-134	NEW	84-02-061	192-24-001	NEW-P	84-10-022	197-10-360	REP	84-05-021
192-12-151	NEW-E	84-09-033	192-24-001	NEW	84-13-050	197-10-365	REP	84-05-021
192-12-151	NEW-P	84-09-034	192-24-010	NEW-P	84-10-022	197-10-370	REP	84-05-021
192-12-151	NEW	84-13-050	192-24-010	NEW	84-13-050	197-10-375	REP	84-05-021
192-23-001	NEW-P	84-10-022	192-24-020	NEW-P	84-10-022	197-10-380	REP	84-05-021
192-23-001	NEW-E	84-10-023	192-24-020	NEW	84-13-050	197-10-390	REP	84-05-021
192-23-001	NEW	84-13-050	192-24-030	NEW-P	84-10-022	197-10-400	REP	84-05-021
192-23-002	NEW-P	84-10-022	192-24-030	NEW	84-13-050	197-10-405	REP	84-05-021
192-23-002	NEW-E	84-10-023	194-12-010	AMD-P	84-17-067	197-10-410	REP	84-05-021
192-23-002	NEW	84-13-050	194-12-020	AMD-P	84-17-067	197-10-420	REP	84-05-021
192-23-011	NEW-P	84-10-022	194-12-030	REP-P	84-17-067	197-10-425	REP	84-05-021
192-23-011	NEW-E	84-10-023	194-12-040	REP-P	84-17-067	197-10-440	REP	84-05-021
192-23-011	NEW	84-13-050	194-12-050	REP-P	84-17-067	197-10-442	REP	84-05-021
192-23-012	NEW-P	84-10-022	194-12-060	REP-P	84-17-067	197-10-444	REP	84-05-021
192-23-012	NEW-E	84-10-023	194-12-070	REP-P	84-17-067	197-10-446	REP	84-05-021
192-23-012	NEW	84-13-050	194-12-080	REP-P	84-17-067	197-10-450	REP	84-05-021
192-23-013	NEW-P	84-10-022	194-12-090	REP-P	84-17-067	197-10-455	REP	84-05-021
192-23-013	NEW-E	84-10-023	194-12-100	REP-P	84-17-067	197-10-460	REP	84-05-021
192-23-013	NEW	84-13-050	194-12-110	REP-P	84-17-067	197-10-465	REP	84-05-021
192-23-014	NEW-P	84-10-022	194-12-120	REP-P	84-17-067	197-10-470	REP	84-05-021
192-23-014	NEW-E	84-10-023	196-08-085	AMD	84-04-027	197-10-480	REP	84-05-021
192-23-014	NEW	84-13-050	196-12-010	AMD	84-04-027	197-10-485	REP	84-05-021
192-23-015	NEW-P	84-10-022	196-12-020	AMD	84-04-027	197-10-490	REP	84-05-021
192-23-015	NEW-E	84-10-023	196-12-030	AMD	84-04-027	197-10-495	REP	84-05-021
192-23-015	NEW	84-13-050	196-12-050	AMD	84-04-027	197-10-500	REP	84-05-021
192-23-016	NEW-P	84-10-022	196-12-060	AMD	84-04-027	197-10-510	REP	84-05-021
192-23-016	NEW-E	84-10-023	196-12-085	AMD	84-04-027	197-10-520	REP	84-05-021
192-23-016	NEW	84-13-050	196-16-007	AMD	84-04-027	197-10-530	REP	84-05-021
192-23-017	NEW-P	84-10-022	196-16-010	AMD	84-04-027	197-10-535	REP	84-05-021
192-23-017	NEW-E	84-10-023	196-16-020	AMD	84-04-027	197-10-540	REP	84-05-021
192-23-017	NEW	84-13-050	196-16-031	AMD	84-04-027	197-10-545	REP	84-05-021
192-23-051	NEW-P	84-10-022	196-20-010	AMD	84-04-027	197-10-550	REP	84-05-021
192-23-051	NEW-E	84-10-023	196-20-030	AMD	84-04-027	197-10-570	REP	84-05-021
192-23-051	NEW	84-13-050	196-24-030	AMD	84-04-027	197-10-580	REP	84-05-021
192-23-052	NEW-P	84-10-022	196-24-040	AMD	84-04-027	197-10-600	REP	84-05-021
192-23-052	NEW-E	84-10-023	196-24-050	AMD	84-04-027	197-10-650	REP	84-05-021
192-23-052	NEW	84-13-050	196-24-080	AMD	84-04-027	197-10-652	REP	84-05-021
192-23-061	NEW-P	84-10-022	196-27-010	NEW	84-04-027	197-10-660	REP	84-05-021
192-23-061	NEW-E	84-10-023	196-27-020	NEW	84-04-027	197-10-690	REP	84-05-021
192-23-061	NEW	84-13-050	197-10-010	REP	84-05-021	197-10-695	REP	84-05-021
192-23-071	NEW-P	84-10-022	197-10-020	REP	84-05-021	197-10-700	REP	84-05-021
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192-23-081	NEW-E	84-10-023	197-10-040	REP	84-05-021	197-10-805	REP	84-05-021
192-23-081	NEW	84-13-050	197-10-050	REP	84-05-021	197-10-810	REP	84-05-021
192-23-082	NEW-P	84-10-022	197-10-055	REP	84-05-021	197-10-820	REP	84-05-021
192-23-082	NEW-E	84-10-023	197-10-060	REP	84-05-021	197-10-825	REP	84-05-021
192-23-082	NEW	84-13-050	197-10-100	REP	84-05-021	197-10-831	REP	84-05-021
192-23-091	NEW-P	84-10-022	197-10-150	REP	84-05-021	197-10-840	REP	84-05-021
192-23-091	NEW-E	84-10-023	197-10-160	REP	84-05-021	197-10-860	REP	84-05-021
192-23-091	NEW	84-13-050	197-10-170	REP	84-05-021	197-10-900	REP	84-05-021
192-23-096	NEW-P	84-10-022	197-10-175	REP	84-05-021	197-10-910	REP	84-05-021
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192-23-113	NEW-E	84-10-023	197-10-200	REP	84-05-021	197-11-040	NEW	84-05-020
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220-48-01500J	NEW-E	84-07-002	220-56-13200A	NEW-E	84-08-005	220-57-130	AMD	84-09-026
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220-52-019	AMD-P	84-04-091	220-56-19000F	REP-E	84-13-085	220-57-175	AMD	84-09-026
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220-52-01901	AMD	84-08-014	220-56-19000H	NEW-E	84-15-035	220-57-200	AMD	84-09-026
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232-18-203	REP-P	84-14-088	232-28-208	NEW-P	84-08-073	236-11-060	NEW-P	84-17-046
232-18-205	REP-P	84-14-088	232-28-208	NEW	84-14-070	236-11-070	NEW-P	84-17-046
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232-18-240	REP-P	84-14-088	232-28-408	NEW-P	84-14-066	236-11-090	NEW-P	84-17-046
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232-18-460	REP-P	84-14-088	232-28-61101	REP-P	84-14-086	236-47-007	NEW	84-13-008
232-18-470	REP-P	84-14-088	232-28-612	REP-P	84-14-086	236-47-008	NEW-P	84-07-024
232-18-480	REP-P	84-14-088	232-28-613	REP-P	84-14-086	236-47-008	NEW	84-13-008
232-18-485	REP-P	84-14-088	232-28-61301	NEW-P	84-08-070	236-47-009	NEW-P	84-07-024
232-18-490	REP-P	84-14-088	232-28-61301	NEW	84-12-010	236-47-009	NEW	84-13-008
232-18-495	REP-P	84-14-088	232-28-61301	NEW-E	84-12-013	236-47-010	NEW-P	84-07-024
232-18-500	REP-P	84-14-088	232-28-61301	REP-P	84-14-086	236-47-010	NEW	84-13-008
232-18-510	REP-P	84-14-088	232-28-614	NEW-P	84-14-086	236-47-011	NEW-P	84-07-024
232-18-535	REP-P	84-14-088	232-28-705	REP	84-05-060	236-47-011	NEW	84-13-008
232-18-540	REP-P	84-14-088	232-28-706	NEW	84-05-060	236-47-012	NEW-P	84-07-024
232-18-545	REP-P	84-14-088	232-28-805	REP-P	84-05-059	236-47-012	NEW	84-13-008
232-18-550	REP-P	84-14-088	232-28-805	REP	84-12-031	236-47-013	NEW-P	84-07-024
232-18-570	REP-P	84-14-088	232-28-806	NEW-P	84-05-059	236-47-013	NEW	84-13-008
232-18-580	REP-P	84-14-088	232-28-806	NEW	84-12-031	236-47-014	NEW-P	84-07-024
232-18-600	REP-P	84-14-088	232-32-010	NEW-P	84-14-085	236-47-014	NEW	84-13-008
232-18-650	REP-P	84-14-088	232-32-020	NEW-P	84-14-085	236-47-015	NEW-P	84-07-024
232-18-652	REP-P	84-14-088	232-32-030	NEW-P	84-14-085	236-47-015	NEW	84-13-008
232-18-660	REP-P	84-14-088	232-32-040	NEW-P	84-14-085	236-47-016	NEW-P	84-07-024
232-18-690	REP-P	84-14-088	232-32-050	NEW-P	84-14-085	236-47-016	NEW	84-13-008
232-18-695	REP-P	84-14-088	232-32-060	NEW-P	84-14-085	236-47-017	NEW-P	84-07-024
232-18-700	REP-P	84-14-088	232-32-070	NEW-P	84-14-085	236-47-017	NEW	84-13-008
232-18-710	REP-P	84-14-088	232-32-155	NEW-E	84-02-063	248-08-595	REP-P	84-12-058
232-18-840	REP-P	84-14-088	232-32-157	NEW-E	84-02-065	248-08-595	REP	84-16-031
232-18-870	REP-P	84-14-088	232-32-158	NEW-E	84-03-023	248-08-596	NEW-P	84-12-058
232-18-910	REP-P	84-14-088	232-32-159	NEW-E	84-03-029	248-08-596	NEW	84-16-031
232-19-010	NEW-P	84-14-088	232-32-160	NEW-E	84-03-022	248-14-050	REP-P	84-11-036
232-19-015	NEW-P	84-14-088	232-32-161	NEW-E	84-03-030	248-14-050	REP	84-15-007
232-19-020	NEW-P	84-14-088	232-32-162	NEW-E	84-03-031	248-15-020	AMD-P	84-11-068
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232-19-050	NEW-P	84-14-088	232-32-165	NEW-E	84-09-004	248-15-030	AMD	84-17-035
232-19-055	NEW-P	84-14-088	236-10-010	REP-P	84-17-046	248-15-080	AMD-P	84-11-068
232-19-060	NEW-P	84-14-088	236-10-015	REP-P	84-17-046	248-15-080	AMD	84-17-035
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232-19-080	NEW-P	84-14-088	236-10-030	REP-P	84-17-046	248-15-100	AMD	84-17-035
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248-17-213	AMD-P	84-11-069	248-27-001	NEW	84-17-006	248-63-150	NEW-P	84-12-059
248-17-213	AMD	84-17-036	248-27-002	NEW-P	84-12-078	248-63-160	NEW-P	84-12-059
248-17-214	AMD-P	84-11-069	248-27-002	NEW	84-17-006	248-63-170	NEW-P	84-12-059
248-17-214	AMD	84-17-036	248-27-010	NEW-P	84-12-078	248-63-180	NEW-P	84-12-059
248-17-220	AMD-P	84-11-069	248-27-010	NEW	84-17-006	248-84-002	AMD-P	84-10-044
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248-18-001	AMD	84-17-077	248-27-090	NEW-P	84-12-078	250-44-060	AMD	84-14-084
248-18-030	REP-P	84-14-089	248-27-090	NEW	84-17-006	250-44-070	AMD-P	84-10-048
248-18-030	REP	84-17-077	248-27-100	NEW-P	84-12-078	250-44-070	AMD	84-14-084
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248-18-033	NEW	84-17-077	248-60A-010	REP-P	84-12-059	250-44-090	AMD	84-14-084
248-19-220	AMD-P	84-04-026	248-60A-020	REP-P	84-12-059	250-44-110	AMD-P	84-10-048
248-19-220	AMD-E	84-04-057	248-60A-030	REP-P	84-12-059	250-44-130	AMD-P	84-10-048
248-19-220	AMD	84-07-014	248-60A-040	REP-P	84-12-059	250-44-130	AMD	84-14-084
248-19-230	AMD-P	84-04-026	248-60A-050	REP-P	84-12-059	251-04-020	AMD-P	84-02-067
248-19-230	AMD-E	84-04-057	248-60A-060	REP-P	84-12-059	251-04-020	AMD-P	84-04-070
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248-22-501	REP-P	84-12-003	248-60A-100	REP-P	84-12-059	251-04-020	AMD-P	84-06-065
248-22-501	REP	84-17-014	248-60A-110	REP-P	84-12-059	251-04-020	AMD	84-10-058
248-22-510	REP-P	84-12-003	248-60A-120	REP-P	84-12-059	251-04-020	AMD-C	84-12-087
248-22-510	REP	84-17-014	248-60A-130	REP-P	84-12-059	251-04-020	AMD-C	84-12-088
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248-22-530	REP-P	84-12-003	248-60A-160	REP-P	84-12-059	251-04-020	AMD	84-02-067
248-22-530	REP	84-17-014	248-60A-170	REP-P	84-12-059	251-04-040	AMD-P	84-02-067
248-22-540	REP-P	84-12-003	248-61-001	REP-P	84-12-059	251-04-040	AMD-C	84-06-004
248-22-540	REP	84-17-014	248-61-010	REP-P	84-12-059	251-04-040	AMD-C	84-12-088
248-22-550	REP-P	84-12-003	248-61-015	REP-P	84-12-059	251-04-040	AMD	84-16-067
248-22-550	REP	84-17-014	248-61-020	REP-P	84-12-059	251-04-050	AMD-P	84-09-068
248-22-560	REP-P	84-12-003	248-61-030	REP-P	84-12-059	251-04-050	AMD	84-12-047
248-22-560	REP	84-17-014	248-61-040	REP-P	84-12-059	251-08-090	AMD-P	84-12-087
248-22-570	REP-P	84-12-003	248-61-050	REP-P	84-12-059	251-08-090	AMD-E	84-14-079
248-22-570	REP	84-17-014	248-61-060	REP-P	84-12-059	251-08-090	AMD	84-16-067
248-22-580	REP-P	84-12-003	248-61-070	REP-P	84-12-059	251-08-091	NEW-P	84-12-087
248-22-580	REP	84-17-014	248-61-080	REP-P	84-12-059	251-08-091	NEW-E	84-14-079
248-22-590	REP-P	84-12-003	248-61-090	REP-P	84-12-059	251-08-091	NEW	84-16-067
248-22-590	REP	84-17-014	248-61-100	REP-P	84-12-059	251-08-093	NEW-P	84-12-087
248-26-001	NEW-P	84-12-004	248-61-110	REP-P	84-12-059	251-09-040	AMD-P	84-09-068
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248-26-010	NEW-P	84-12-004	248-61-130	REP-P	84-12-059	251-10-045	AMD-E	84-04-071
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248-26-030	NEW-P	84-12-004	248-61-170	REP-P	84-12-059	251-10-055	AMD	84-08-032
248-26-030	NEW	84-17-010	248-61-180	REP-P	84-12-059	251-10-112	NEW-P	84-06-065
248-26-040	NEW-P	84-12-004	248-63-001	NEW-P	84-12-059	251-10-112	NEW-C	84-10-055
248-26-040	NEW	84-17-010	248-63-010	NEW-P	84-12-059	251-10-112	NEW-C	84-12-087
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248-26-060	NEW	84-17-010	248-63-050	NEW-P	84-12-059	251-10-160	AMD-P	84-12-087
248-26-070	NEW-P	84-12-004	248-63-060	NEW-P	84-12-059	251-10-160	AMD-E	84-14-079
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248-26-090	NEW-P	84-12-004	248-63-100	NEW-P	84-12-059	251-12-080	AMD	84-16-067
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251-12-240	AMD-E	84-14-079	251-18-315	NEW-C	84-06-004
251-12-240	AMD	84-16-067	251-18-315	NEW-C	84-12-088
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251-18-010	AMD	84-10-056	251-18-320	AMD-E	84-04-071
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251-18-015	NEW	84-10-056	251-18-330	AMD-E	84-04-071
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251-18-020	AMD	84-10-056	251-18-340	AMD-P	84-04-070
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251-18-050	AMD-P	84-06-065	251-18-350	AMD-P	84-02-067
251-18-050	AMD	84-10-056	251-18-350	AMD-C	84-06-004
251-18-060	AMD-P	84-06-065	251-18-350	AMD-C	84-12-088
251-18-060	AMD-C	84-10-055	251-18-350	AMD	84-16-067
251-18-060	AMD	84-12-047	251-18-355	NEW-P	84-02-067
251-18-070	AMD-P	84-06-065	251-18-355	NEW-C	84-06-004
251-18-070	AMD	84-10-056	251-18-355	NEW-C	84-12-088
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251-18-080	REP	84-10-056	251-18-361	NEW-C	84-06-004
251-18-100	REP-P	84-06-065	251-18-361	NEW-C	84-12-088
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251-18-110	AMD	84-10-056	251-20-010	AMD	84-16-067
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251-18-120	AMD-P	84-06-065	251-20-020	AMD	84-16-067
251-18-120	AMD	84-10-056	251-20-030	AMD-P	84-12-087
251-18-130	AMD-P	84-06-065	251-20-030	AMD-E	84-14-079
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251-18-145	NEW-P	84-06-065	251-20-045	NEW-E	84-14-079
251-18-145	NEW	84-10-056	251-20-045	NEW	84-16-067
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251-18-150	REP	84-10-056	251-20-050	AMD-E	84-14-079
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251-18-155	REP	84-10-056	251-22-070	AMD-P	84-04-070
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251-18-160	AMD	84-10-056	251-22-070	AMD	84-08-032
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251-18-170	REP	84-10-056	251-22-090	AMD-E	84-10-018
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251-18-175	REP	84-10-056	251-22-091	REP-P	84-09-068
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251-18-180	AMD-P	84-06-065	251-22-200	AMD-P	84-09-068
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251-18-180	AMD	84-16-067	260-70-010	AMD-P	84-04-061
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251-18-181	REP	84-10-056	260-70-021	AMD-P	84-04-061
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251-18-190	AMD	84-10-056	260-70-025	NEW-P	84-04-061
251-18-200	AMD-P	84-06-065	260-70-025	NEW	84-06-061
251-18-200	AMD	84-10-056	260-70-026	NEW-P	84-04-061
251-18-230	REP-P	84-06-065	260-70-026	NEW	84-06-061
251-18-230	REP	84-10-056	260-70-027	NEW-P	84-04-061
251-18-240	AMD-P	84-06-065	260-70-027	NEW	84-06-061
251-18-240	AMD	84-10-056	260-70-028	NEW-P	84-04-061
251-18-240	AMD-C	84-12-087	260-70-028	NEW	84-06-061
251-18-240	AMD	84-16-067	260-70-029	NEW-P	84-04-061
251-18-260	AMD-P	84-06-065	260-70-029	NEW	84-06-061
251-18-260	AMD	84-10-056	260-70-031	NEW-P	84-04-061
251-18-265	AMD-P	84-06-065	260-70-031	NEW	84-06-061
251-18-265	AMD	84-10-056	260-70-032	NEW-P	84-04-061
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260-70-100	AMD	84-06-061	261-02-030	AMD-P	84-17-138
260-84-010	AMD-P	84-11-099	261-02-040	AMD-P	84-17-138
261-02-030	AMD-P	84-17-138	261-06-030	AMD-P	84-17-138
261-02-040	AMD-P	84-17-138	261-06-040	AMD-P	84-17-138
261-06-030	AMD-P	84-17-138	261-10-020	AMD-P	84-17-138
261-06-040	AMD-P	84-17-138	261-10-040	AMD-P	84-17-138
261-10-020	AMD-P	84-17-138	261-12-020	AMD-P	84-17-138
261-10-040	AMD-P	84-17-138	261-20	AMD-P	84-09-021
261-12-020	AMD-P	84-17-138	261-20	AMD-C	84-10-013
261-20	AMD-P	84-17-138	261-20	AMD	84-13-009
261-20	AMD-P	84-17-138	261-20	AMD-P	84-14-074
261-20-010	AMD-P	84-17-138	261-20-010	AMD-P	84-17-138
261-20-020	AMD-P	84-17-138	261-20-020	AMD-P	84-17-138
261-20-030	AMD-P	84-17-138	261-20-030	AMD-P	84-17-138
261-20-040	AMD-P	84-17-138	261-20-040	AMD-P	84-17-138
261-20-045	AMD-P	84-17-138	261-20-045	AMD-P	84-17-138
261-20-050	AMD-P	84-17-138	261-20-050	AMD-P	84-17-138
261-20-054	NEW-P	84-17-138	261-20-054	NEW-P	84-17-138
261-20-074	AMD-P	84-17-138	261-20-074	AMD-P	84-17-138
261-40-010	AMD-P	84-17-138	261-40-010	AMD-P	84-17-138
261-40-015	AMD-P	84-17-138	261-40-015	AMD-P	84-17-138
261-40-020	AMD-P	84-17-138	261-40-020	AMD-P	84-17-138
261-40-150	AMD-P	84-17-138	261-40-150	AMD-P	84-17-138
261-40-315	AMD-P	84-17-138	261-40-315	AMD-P	84-17-138
261-40-480	AMD-P	84-17-138	261-40-480	AMD-P	84-17-138
261-40-485	AMD-P	84-17-138	261-40-485	AMD-P	84-17-138
261-50-010	NEW-E	84-13-010	261-50-010	NEW-E	84-13-010
261-50-010	NEW-P	84-14-075	261-50-010	NEW-P	84-14-075
261-50-020	NEW-E	84-13-010	261-50-020	NEW-E	84-13-010
261-50-020	NEW-P	84-14-075	261-50-020	NEW-P	84-14-075
261-50-030	NEW-E	84-13-010	261-50-030	NEW-E	84-13-010
261-50-030	NEW-P	84-14-075	261-50-030	NEW-P	84-14-075
261-50-040	NEW-E	84-13-010	261-50-040	NEW-E	84-13-010
261-50-045	NEW-P	84-14-075	261-50-045	NEW-P	84-14-075
261-50-045	NEW-E	84-13-010	261-50-045	NEW-E	84-13-010
261-50-050	NEW-P	84-14-075	261-50-050	NEW-P	84-14-075
261-50-050	NEW-E	84-13-010	261-50-050	NEW-E	84-13-010
261-50-060	NEW-P	84-14-075	261-50-060	NEW-P	84-14-075
261-50-060	NEW-E	84-13-010	261-50-060	NEW-E	84-13-010
261-50-065	NEW-P	84-14-075	261-50-065	NEW-P	84-14-075
261-50-070	NEW-E	84-13-010	261-50-070	NEW-E	84-13-010
261-50-070	NEW-P	84-14-075	261-50-070	NEW-P	84-14-075
262-01-010	NEW	84-04-042	262-01-010	NEW	84-04-042
262-01-020	NEW	84-04-042	262-01-020	NEW	84-04-042
262-01-030	NEW	84-04-042	262-01-030	NEW	84-04-042
262-01-040	NEW	84-04-042	262-01-040	NEW	84-04-042
262-01-050	NEW	84-04-042	262-01-050	NEW	84-04-042
263-12-115	AMD-C	84-04-025	263-12-115	AMD-C	84-04-025
263-12-115	AMD-E	84-04-058	263-12-115	AMD-E	84-04-058
263-12-115	AMD	84-08-036	263-12-115	AMD	84-08-036
275-16-030	AMD-P	84-13-067	275-16-030	AMD-P	84-13-067
275-16-030	AMD-E	84-14-043	275-16-030	AMD-E	84-14-043
275-16-030	AMD	84-17-011	275-16-030	AMD	84-17-011
275-18-010	REP-P	84-17-102	275-18-010	REP-P	84-17-102
275-18-020	REP-P	84-17-102	275-18-020	REP-P	84-17-102
275-18-030	REP-P	84-17-102	275-18-030	REP-P	84-17-102
275-18-040	REP-P	84-17-102	275-18-040	REP-P	84-17-102
275-18-050	REP-P	84-17-102	275-18-050	REP-P	84-17-102
275-18-060	REP-P	84-17-102	275-18-060	REP-P	84-17-102
275-18-070	REP-P	84-17-102	275-18-070	REP-P	84-17-102
275-18-080	REP-P	84-17-102	275-18-080	REP-P	84-17-102
275-18-090	REP-P	84-17-102	275-18-090	REP-P	84-17-102
275-18-100	REP-P	84-17-102	275-18-100	REP-P	84-17-102
275-18-110	REP-P	84-17-102	275-18-110	REP-P	84-17-102
275-18-120	REP-P	84-17-102	275-18-120	REP-P	84-17-102
275-18-130	REP-P	84-17-102	275-18-130	REP-P	84-17-102
275-18-140	REP-P	84-17-102	275-18-140	REP-P	84-17-102
275-18-150	REP-P	84-17-102	275-18-150	REP-P	84-17-102
275-18-160	REP-P	84-17-102	275-18-160	REP-P	84-17-102

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-18-170	REP-P	84-17-102	275-27-210	AMD	84-15-058	275-38-875	AMD-E	84-15-021
275-18-180	REP-P	84-17-102	275-27-230	AMD-P	84-12-036	275-38-880	AMD-P	84-15-020
275-18-190	REP-P	84-17-102	275-27-230	AMD	84-15-058	275-38-880	AMD-E	84-15-021
275-18-200	REP-P	84-17-102	275-27-240	AMD-P	84-12-036	275-38-886	AMD-P	84-15-020
275-19-010	AMD-P	84-17-102	275-27-240	AMD	84-15-058	275-38-886	AMD-E	84-15-021
275-19-020	AMD-P	84-17-102	275-27-250	AMD-P	84-12-036	275-38-890	NEW-P	84-15-020
275-19-030	AMD-P	84-17-102	275-27-250	AMD	84-15-058	275-38-890	NEW-E	84-15-021
275-19-040	AMD-P	84-17-102	275-27-300	AMD-P	84-12-036	275-38-892	NEW-P	84-15-020
275-19-050	AMD-P	84-17-102	275-27-300	AMD	84-15-058	275-38-892	NEW-E	84-15-021
275-19-060	AMD-P	84-17-102	275-27-400	AMD-P	84-12-036	275-55-020	AMD	84-03-035
275-19-070	AMD-P	84-17-102	275-27-400	AMD	84-15-058	275-55-161	AMD	84-03-035
275-19-075	AMD-P	84-17-102	275-27-500	AMD-P	84-08-015	275-55-263	AMD	84-03-035
275-19-080	AMD-P	84-17-102	275-27-500	AMD-C	84-12-032	275-55-271	AMD	84-03-035
275-19-100	AMD-P	84-17-102	275-27-500	AMD	84-15-038	275-55-281	AMD	84-03-035
275-19-110	AMD-P	84-17-102	275-27-800	NEW-P	84-04-009	275-55-291	AMD	84-03-035
275-19-130	AMD-P	84-17-102	275-27-800	NEW-E	84-04-010	275-55-293	AMD	84-03-035
275-19-135	NEW-P	84-17-102	275-27-800	NEW	84-07-018	275-55-297	AMD	84-03-035
275-19-140	AMD-P	84-17-102	275-27-810	NEW-P	84-04-009	275-55-301	AMD	84-03-035
275-19-145	AMD-P	84-17-102	275-27-810	NEW-E	84-04-010	275-55-331	AMD	84-03-035
275-19-150	AMD-P	84-17-102	275-27-810	NEW	84-07-018	275-55-371	AMD	84-03-035
275-19-160	AMD-P	84-17-102	275-27-820	NEW-P	84-04-009	275-60-010	NEW-P	84-10-009
275-19-165	NEW-P	84-17-102	275-27-820	NEW-E	84-04-010	275-60-010	NEW	84-13-029
275-19-170	AMD-P	84-17-102	275-27-820	NEW	84-07-018	275-60-020	NEW-P	84-10-009
275-19-180	AMD-P	84-17-102	275-31-005	NEW	84-03-054	275-60-020	NEW	84-13-029
275-19-185	AMD-P	84-17-102	275-31-010	NEW	84-03-054	275-60-030	NEW-P	84-10-009
275-19-190	REP-P	84-17-102	275-31-020	NEW	84-03-054	275-60-030	NEW	84-13-029
275-19-200	AMD-P	84-17-102	275-31-030	NEW	84-03-054	275-60-040	NEW-P	84-10-009
275-19-210	AMD-P	84-17-102	275-31-040	NEW	84-03-054	275-60-040	NEW	84-13-029
275-19-220	AMD-P	84-17-102	275-31-050	NEW	84-03-054	275-60-050	NEW-P	84-10-009
275-19-230	AMD-P	84-17-102	275-31-070	NEW	84-03-054	275-60-050	NEW	84-13-029
275-19-240	AMD-P	84-17-102	275-31-080	NEW	84-03-054	275-60-060	NEW-P	84-10-009
275-19-250	AMD-P	84-17-102	275-31-090	NEW	84-03-054	275-60-060	NEW	84-13-029
275-19-260	AMD-P	84-17-102	275-33-010	NEW-E	84-06-016	275-60-070	NEW-P	84-10-009
275-19-270	AMD-P	84-17-102	275-33-010	NEW-P	84-06-025	275-60-070	NEW	84-13-029
275-19-280	AMD-P	84-17-102	275-33-010	NEW	84-10-032	275-60-200	NEW-P	84-10-009
275-19-300	AMD-P	84-17-102	275-33-020	NEW-E	84-06-016	275-60-200	NEW	84-13-029
275-19-310	AMD-P	84-17-102	275-33-020	NEW-P	84-06-025	275-60-300	NEW-P	84-10-009
275-19-320	AMD-P	84-17-102	275-33-020	NEW	84-10-032	275-60-300	NEW	84-13-029
275-19-400	AMD-P	84-17-102	275-33-030	NEW-E	84-06-016	275-60-400	NEW-P	84-10-009
275-19-410	AMD-P	84-17-102	275-33-030	NEW-P	84-06-025	275-60-400	NEW	84-13-029
275-19-430	AMD-P	84-17-102	275-33-030	NEW	84-10-032	275-60-500	NEW-P	84-10-009
275-19-500	AMD-P	84-17-102	275-33-040	NEW-E	84-06-016	275-60-500	NEW	84-13-029
275-19-510	AMD-P	84-17-102	275-33-040	NEW-P	84-06-025	275-60-510	NEW-P	84-10-009
275-19-530	AMD-P	84-17-102	275-33-040	NEW	84-10-032	275-60-510	NEW	84-13-029
275-19-550	AMD-P	84-17-102	275-33-050	NEW-E	84-06-016	275-60-520	NEW-P	84-10-009
275-19-560	NEW-P	84-17-102	275-33-050	NEW-P	84-06-025	275-60-520	NEW	84-13-029
275-19-570	NEW-P	84-17-102	275-33-050	NEW	84-10-032	275-88-005	REP-P	84-14-076
275-19-600	AMD-P	84-17-102	275-33-060	NEW-E	84-06-016	275-88-005	REP-E	84-15-041
275-19-610	AMD-P	84-17-102	275-33-060	NEW-P	84-06-025	275-88-005	REP	84-17-058
275-19-630	REP-P	84-17-102	275-33-060	NEW	84-10-032	275-88-006	REP-P	84-14-076
275-19-650	NEW-P	84-17-102	275-38-001	AMD-P	84-15-020	275-88-006	REP-E	84-15-041
275-19-660	NEW-P	84-17-102	275-38-001	AMD-E	84-15-021	275-88-006	REP	84-17-058
275-19-700	AMD-P	84-17-102	275-38-535	AMD-P	84-15-020	275-88-010	REP-P	84-14-076
275-19-710	AMD-P	84-17-102	275-38-535	AMD-E	84-15-021	275-88-010	REP-E	84-15-041
275-19-720	REP-P	84-17-102	275-38-600	AMD-P	84-05-056	275-88-010	REP	84-17-058
275-19-750	AMD-P	84-17-102	275-38-600	AMD	84-09-018	275-88-015	REP-P	84-14-076
275-19-770	AMD-P	84-17-102	275-38-730	AMD-P	84-04-056	275-88-015	REP-E	84-15-041
275-19-800	AMD-P	84-17-102	275-38-730	AMD	84-09-032	275-88-015	REP	84-17-058
275-19-810	AMD-P	84-17-102	275-38-730	REP-P	84-15-020	275-88-020	REP-P	84-14-076
275-19-820	AMD-P	84-17-102	275-38-730	REP-E	84-15-021	275-88-020	REP-E	84-15-041
275-19-830	AMD-P	84-17-102	275-38-740	REP-P	84-15-020	275-88-020	REP	84-17-058
275-19-900	AMD-P	84-17-102	275-38-740	REP-E	84-15-021	275-88-025	REP-P	84-14-076
275-19-910	AMD-P	84-17-102	275-38-831	AMD-P	84-15-020	275-88-025	REP-E	84-15-041
275-19-920	AMD-P	84-17-102	275-38-831	AMD-E	84-15-021	275-88-025	REP	84-17-058
275-20-030	AMD-P	84-15-004	275-38-845	AMD-P	84-15-020	275-88-030	REP-P	84-14-076
275-20-030	AMD-E	84-15-005	275-38-845	AMD-E	84-15-021	275-88-030	REP-E	84-15-041
275-27-020	AMD-P	84-12-036	275-38-860	AMD-P	84-15-020	275-88-030	REP	84-17-058
275-27-020	AMD	84-15-058	275-38-860	AMD-E	84-15-021	275-88-035	REP-P	84-14-076
275-27-030	AMD-P	84-12-036	275-38-865	AMD-P	84-15-020	275-88-035	REP-E	84-15-041
275-27-030	AMD	84-15-058	275-38-865	AMD-E	84-15-021	275-88-035	REP	84-17-058
275-27-040	AMD-P	84-12-036	275-38-868	NEW-P	84-15-020	275-88-040	REP-P	84-14-076
275-27-040	AMD	84-15-058	275-38-868	NEW-E	84-15-021	275-88-040	REP-E	84-15-041
275-27-050	AMD-P	84-12-036	275-38-869	NEW-P	84-15-020	275-88-040	REP	84-17-058
275-27-050	AMD	84-15-058	275-38-869	NEW-E	84-15-021	275-88-045	REP-P	84-14-076
275-27-060	AMD-P	84-12-036	275-38-870	AMD-P	84-15-020	275-88-045	REP-E	84-15-041
275-27-060	AMD	84-15-058	275-38-870	AMD-E	84-15-021	275-88-045	REP	84-17-058
275-27-210	AMD-P	84-12-036	275-38-875	AMD-P	84-15-020	275-88-050	REP-P	84-14-076

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275-88-050	REP-E	84-15-041	284-17-420	AMD-P	84-16-023
275-88-050	REP	84-17-058	284-44-020	REP-P	84-04-032
275-88-055	REP-P	84-14-076	284-44-020	REP	84-08-001
275-88-055	REP-E	84-15-041	284-44-040	AMD-P	84-16-049
275-88-055	REP	84-17-058	284-44-400	NEW-P	84-04-032
275-88-060	REP-P	84-14-076	284-44-400	NEW	84-08-001
275-88-060	REP-E	84-15-041	284-44-410	NEW-P	84-04-032
275-88-060	REP	84-17-058	284-44-410	NEW	84-08-001
275-88-065	REP-P	84-14-076	284-46-010	NEW-P	84-04-033
275-88-065	REP-E	84-15-041	284-46-010	NEW	84-08-002
275-88-065	REP	84-17-058	284-46-020	NEW-P	84-04-033
275-88-070	REP-P	84-14-076	284-46-020	NEW	84-08-002
275-88-070	REP-E	84-15-041	284-52-010	NEW-P	84-16-049
275-88-070	REP	84-17-058	284-52-020	NEW-P	84-16-049
275-88-075	REP-P	84-14-076	284-52-030	NEW-P	84-16-049
275-88-075	REP-E	84-15-041	284-52-040	NEW-P	84-16-049
275-88-075	REP	84-17-058	284-52-050	NEW-P	84-16-049
275-88-080	REP-P	84-14-076	284-52-060	NEW-P	84-16-049
275-88-080	REP-E	84-15-041	284-52-070	NEW-P	84-16-049
275-88-080	REP	84-17-058	286-26-020	AMD-P	84-12-049
275-88-085	REP-P	84-14-076	286-26-020	AMD	84-17-029
275-88-085	REP-E	84-15-041	286-26-055	AMD-P	84-12-049
275-88-085	REP	84-17-058	286-26-055	AMD	84-17-029
275-88-090	REP-P	84-14-076	289-02-020	AMD-P	84-09-065
275-88-090	REP-E	84-15-041	289-02-020	AMD-P	84-17-139
275-88-090	REP	84-17-058	289-02-050	NEW-P	84-17-139
275-88-093	REP-P	84-14-076	289-10-100	NEW-P	84-17-139
275-88-093	REP-E	84-15-041	289-10-110	NEW-P	84-17-139
275-88-093	REP	84-17-058	289-10-200	NEW-P	84-17-139
275-88-095	REP-P	84-14-076	289-10-300	NEW-P	84-17-139
275-88-095	REP-E	84-15-041	289-10-310	NEW-P	84-17-139
275-88-095	REP	84-17-058	289-10-320	NEW-P	84-17-139
275-88-097	REP-P	84-14-076	289-10-330	NEW-P	84-17-139
275-88-097	REP-E	84-15-041	289-10-340	NEW-P	84-17-139
275-88-097	REP	84-17-058	289-10-350	NEW-P	84-17-139
275-88-100	REP-P	84-14-076	289-10-360	NEW-P	84-17-139
275-88-100	REP-E	84-15-041	289-10-370	NEW-P	84-17-139
275-88-100	REP	84-17-058	289-10-380	NEW-P	84-17-139
275-88-105	REP-P	84-14-076	289-10-390	NEW-P	84-17-139
275-88-105	REP-E	84-15-041	289-10-400	NEW-P	84-17-139
275-88-105	REP	84-17-058	289-10-410	NEW-P	84-17-139
275-88-110	REP-P	84-14-076	289-10-420	NEW-P	84-17-139
275-88-110	REP-E	84-15-041	289-10-430	NEW-P	84-17-139
275-88-110	REP	84-17-058	289-10-440	NEW-P	84-17-139
275-88-115	REP-P	84-14-076	289-10-500	NEW-P	84-17-139
275-88-115	REP-E	84-15-041	289-10-510	NEW-P	84-17-139
275-88-115	REP	84-17-058	289-10-520	NEW-P	84-17-139
275-88-120	REP-P	84-14-076	289-10-530	NEW-P	84-17-139
275-88-120	REP-E	84-15-041	289-10-600	NEW-P	84-17-139
275-88-120	REP	84-17-058	289-15-130	AMD-P	84-09-066
275-88-130	REP-P	84-14-076	289-15-130	AMD	84-16-042
275-88-130	REP-E	84-15-041	289-15-210	AMD-P	84-16-045
275-88-130	REP	84-17-058	289-15-225	AMD-P	84-09-067
275-91-011	REP-E	84-13-007	289-15-225	AMD	84-16-041
275-91-011	REP-P	84-13-007	289-15-230	AMD-P	84-09-066
275-91-011	REP	84-16-066	289-15-230	AMD	84-16-042
275-91-021	REP-E	84-13-007	289-16-100	AMD-P	84-09-065
275-91-021	REP-P	84-13-007	289-16-200	AMD-P	84-09-065
275-91-021	REP	84-16-066	289-19-110	AMD-P	84-16-043
275-91-031	REP-E	84-13-007	289-19-220	AMD-P	84-16-043
275-91-031	REP-P	84-13-075	289-22-200	AMD-P	84-16-044
275-91-031	REP	84-16-066	289-26-005	NEW-P	84-17-139
275-91-041	REP-E	84-13-007	289-26-100	NEW-P	84-17-139
275-91-041	REP-P	84-13-075	289-26-120	NEW-P	84-17-139
275-91-041	REP	84-16-066	289-26-130	NEW-P	84-17-139
275-91-050	REP-E	84-13-007	289-26-200	NEW-P	84-17-139
275-91-050	REP-P	84-13-075	289-26-210	NEW-P	84-17-139
275-91-050	REP	84-16-066	289-26-220	NEW-P	84-17-139
275-91-060	REP-E	84-13-007	289-26-300	NEW-P	84-17-139
275-91-060	REP-P	84-13-075	289-26-310	NEW-P	84-17-139
275-91-060	REP	84-16-066	289-26-320	NEW-P	84-17-139
275-91-070	REP-E	84-13-007	289-26-400	NEW-P	84-17-139
275-91-070	REP-P	84-13-075	289-26-410	NEW-P	84-17-139
275-91-070	REP	84-16-066	289-26-420	NEW-P	84-17-139
284-17-120	AMD-P	84-16-023	289-26-430	NEW-P	84-17-139
284-17-400	AMD-P	84-16-023	289-26-440	NEW-P	84-17-139
284-17-410	AMD-P	84-16-023	289-26-450	NEW-P	84-17-139
289-26-460	NEW-P	84-17-139			
289-26-500	NEW-P	84-17-139			
289-26-510	NEW-P	84-17-139			
289-26-520	NEW-P	84-17-139			
289-26-600	NEW-P	84-17-139			
289-26-610	NEW-P	84-17-139			
289-26-620	NEW-P	84-17-139			
289-26-630	NEW-P	84-17-139			
289-26-640	NEW-P	84-17-139			
289-26-700	NEW-P	84-17-139			
289-26-705	NEW-P	84-17-139			
289-26-710	NEW-P	84-17-139			
289-26-720	NEW-P	84-17-139			
289-26-730	NEW-P	84-17-139			
289-26-735	NEW-P	84-17-139			
289-26-740	NEW-P	84-17-139			
289-26-750	NEW-P	84-17-139			
289-26-760	NEW-P	84-17-139			
289-26-765	NEW-P	84-17-139			
289-26-770	NEW-P	84-17-139			
289-26-780	NEW-P	84-17-139			
289-26-790	NEW-P	84-17-139			
289-26-800	NEW-P	84-17-139			
289-26-810	NEW-P	84-17-139			
289-26-900	NEW-P	84-17-139			
289-26-910	NEW-P	84-17-139			
289-26-920	NEW-P	84-17-139			
289-28-100	NEW-P	84-17-139			
289-28-200	NEW-P	84-17-139			
289-28-210	NEW-P	84-17-139			
289-28-220	NEW-P	84-17-139			
289-28-230	NEW-P	84-17-139			
289-28-300	NEW-P	84-17-139			
289-28-400	NEW-P	84-17-139			
289-28-410	NEW-P	84-17-139			
296-04-500	REP	84-04-024			
296-04-501	REP	84-04-024			
296-04-502	REP	84-04-024			
296-04-503	REP	84-04-024			
296-04-504	REP	84-04-024			
296-04-505	REP	84-04-024			
296-04-506	REP	84-04-024			
296-13	AMD-P	84-13-003			
296-13-001	AMD-P	84-13-003			
296-13-010	AMD-P	84-13-003			
296-13-020	AMD-P	84-13-003			
296-13-030	AMD-P	84-13-003			
296-13-035	NEW-P	84-13-003			
296-13-040	AMD-P	84-13-003			
296-13-045	NEW-P	84-13-003			
296-13-050	AMD-P	84-13-003			
296-13-052	NEW-P	84-13-003			
296-13-053	NEW-P	84-13-003			
296-13-055	NEW-P	84-13-003			
296-13-057	NEW-P	84-13-003			
296-13-060	AMD-P	84-13-003			
296-13-070	REP-P	84-13-003			
296-13-080	AMD-P	84-13-003			
296-13-090	AMD-P	84-13-003			
296-13-100	AMD-P	84-13-003			
296-13-110	AMD-P	84-13-003			
296-13-120	REP-P	84-13-003			
296-13-130	NEW-P	84-13-003			
296-13-140	NEW-P	84-13-003			
296-13-150	NEW-P	84-13-003			
296-13-160	NEW-P	84-13-003			
296-13-170	NEW-P	84-13-003			
296-13-180	NEW-P	84-13-003			
296-13-190	NEW-P	84-13-003			
296-13-200	NEW-P	84-13-003			
296-13-210	NEW-P	84-13-003			
296-13-220	NEW-P	84-13-003			
296-13-230	NEW-P	84-13-003			
296-13-240	NEW-P	84-13-003			
296-13-250	NEW-P	84-13-003			
296-13-260	NEW-P	84-13-003			
296-13-270	NEW-P	84-13-003			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
296-13-280	NEW-P	84-13-003	296-24-21713	NEW-P	84-15-043
296-13-290	NEW-P	84-13-003	296-24-21713	NEW	84-17-099
296-13-300	NEW-P	84-13-003	296-46-110	AMD-P	84-07-010
296-13-310	NEW-P	84-13-003	296-46-110	AMD-E	84-08-006
296-13-320	NEW-P	84-13-003	296-46-110	AMD-E	84-13-004
296-13-330	NEW-P	84-13-003	296-46-110	AMD	84-15-051
296-13-340	NEW-P	84-13-003	296-46-120	REP-P	84-07-010
296-13-350	NEW-P	84-13-003	296-46-120	REP	84-15-051
296-13-360	NEW-P	84-13-003	296-46-130	AMD-P	84-07-010
296-13-370	NEW-P	84-13-003	296-46-130	AMD	84-15-051
296-13-380	NEW-P	84-13-003	296-46-140	AMD-P	84-07-010
296-13-390	NEW-P	84-13-003	296-46-140	AMD	84-15-051
296-13-400	NEW-P	84-13-003	296-46-150	AMD-P	84-07-010
296-13-410	NEW-P	84-13-003	296-46-150	AMD	84-15-051
296-13-420	NEW-P	84-13-003	296-46-160	AMD-P	84-07-010
296-13-430	NEW-P	84-13-003	296-46-160	AMD	84-15-051
296-13-440	NEW-P	84-13-003	296-46-170	REP-P	84-07-010
296-14-010	AMD-P	84-02-059	296-46-170	REP	84-15-051
296-14-010	AMD	84-06-018	296-46-180	AMD-P	84-07-010
296-15-02601	AMD-P	84-02-078	296-46-180	AMD	84-15-051
296-15-02601	AMD	84-06-031	296-46-190	REP-P	84-07-010
296-15-21001	REP-P	84-02-078	296-46-190	REP	84-15-051
296-15-21001	REP	84-06-031	296-46-200	AMD-P	84-07-010
296-17-345	NEW-P	84-15-055	296-46-200	AMD	84-15-051
296-17-350	AMD-P	84-08-077	296-46-210	REP-P	84-07-010
296-17-350	AMD	84-11-034	296-46-210	REP	84-15-051
296-17-35101	NEW-P	84-02-059	296-46-220	AMD-P	84-07-010
296-17-35101	NEW	84-06-018	296-46-220	AMD	84-15-051
296-17-765	AMD-P	84-09-035	296-46-230	REP-P	84-07-010
296-17-765	AMD-E	84-09-036	296-46-230	REP	84-15-051
296-17-765	AMD	84-12-048	296-46-240	AMD-P	84-07-010
296-17-779	NEW-P	84-08-077	296-46-240	AMD	84-15-051
296-17-779	NEW	84-11-034	296-46-242	REP-P	84-07-010
296-17-895	AMD-P	84-09-035	296-46-242	REP	84-15-051
296-17-895	AMD-E	84-09-036	296-46-244	REP-P	84-07-010
296-17-895	AMD	84-12-048	296-46-244	REP	84-15-051
296-17-905	AMD-P	84-02-060	296-46-270	REP-P	84-07-010
296-17-905	AMD	84-06-024	296-46-270	REP	84-15-051
296-17-910	AMD-P	84-02-060	296-46-280	REP-P	84-07-010
296-17-910	AMD	84-06-024	296-46-280	REP	84-15-051
296-17-911	AMD-P	84-02-060	296-46-290	REP-P	84-07-010
296-17-911	AMD	84-06-024	296-46-290	REP	84-15-051
296-17-913	AMD-P	84-02-060	296-46-300	REP-P	84-07-010
296-17-913	AMD	84-06-024	296-46-300	REP	84-15-051
296-17-914	AMD-P	84-02-060	296-46-335	REP-P	84-07-010
296-17-914	AMD	84-06-024	296-46-335	REP	84-15-051
296-17-916	AMD-P	84-02-060	296-46-336	NEW-P	84-07-010
296-17-916	AMD	84-06-024	296-46-350	AMD-P	84-07-010
296-17-917	AMD-P	84-02-060	296-46-350	AMD	84-15-051
296-17-917	AMD	84-06-024	296-46-355	REP-P	84-07-010
296-17-918	NEW-P	84-02-060	296-46-355	REP	84-15-051
296-17-918	NEW	84-06-018	296-46-360	AMD-P	84-07-010
296-17-919	AMD-P	84-02-060	296-46-360	AMD	84-15-051
296-17-919	AMD	84-06-024	296-46-370	AMD-P	84-07-010
296-17-91901	AMD-P	84-02-060	296-46-370	AMD	84-15-051
296-17-91901	AMD	84-06-024	296-46-380	REP-P	84-07-010
296-17-91902	AMD-P	84-02-060	296-46-380	REP	84-15-051
296-17-91902	AMD	84-06-024	296-46-390	REP-P	84-07-010
296-19-010	REP-P	84-02-059	296-46-390	REP	84-15-051
296-19-010	REP	84-06-018	296-46-420	AMD-P	84-07-010
296-20-12503	NEW-E	84-15-031	296-46-420	AMD	84-15-051
296-24-073	AMD-E	84-10-016	296-46-424	REP-P	84-07-010
296-24-073	AMD-E	84-17-098	296-46-424	REP	84-15-051
296-24-217	AMD-P	84-15-043	296-46-426	REP-P	84-07-010
296-24-217	AMD	84-17-099	296-46-426	REP	84-15-051
296-24-21701	AMD-P	84-15-043	296-46-480	AMD-P	84-07-010
296-24-21701	AMD	84-17-099	296-46-480	AMD	84-15-051
296-24-21703	AMD-P	84-15-043	296-46-490	AMD-P	84-07-010
296-24-21703	AMD	84-17-099	296-46-490	AMD	84-15-051
296-24-21705	AMD-P	84-15-043	296-46-495	REP-P	84-07-010
296-24-21705	AMD	84-17-099	296-46-500	REP-P	84-07-010
296-24-21707	AMD-P	84-15-043	296-46-500	REP	84-15-051
296-24-21707	AMD	84-17-099	296-46-501	REP-P	84-07-010
296-24-21709	AMD-P	84-15-043	296-46-501	REP	84-15-051
296-24-21709	AMD	84-17-099	296-46-535	REP-P	84-07-010
296-24-21711	AMD-P	84-15-043	296-46-535	REP	84-15-051
296-24-21711	AMD	84-17-099	296-46-540	REP-P	84-07-010
296-46-540	REP	84-15-051	296-46-540	REP	84-15-051
296-46-545	REP-P	84-07-010	296-46-545	REP	84-15-051
296-46-545	REP	84-15-051	296-46-550	REP-P	84-07-010
296-46-550	REP-P	84-07-010	296-46-550	REP	84-15-051
296-46-550	REP	84-15-051	296-46-555	REP-P	84-07-010
296-46-555	REP-P	84-07-010	296-46-555	REP	84-15-051
296-46-560	REP-P	84-07-010	296-46-560	REP-P	84-07-010
296-46-560	REP	84-15-051	296-46-565	REP-P	84-07-010
296-46-565	REP	84-15-051	296-46-565	REP	84-15-051
296-46-590	REP-P	84-07-010	296-46-590	REP-P	84-07-010
296-46-590	REP	84-15-051	296-46-590	REP	84-15-051
296-46-59005	REP-P	84-07-010	296-46-59005	REP-P	84-07-010
296-46-59005	REP	84-15-051	296-46-59005	REP	84-15-051
296-46-59010	REP-P	84-07-010	296-46-59010	REP-P	84-07-010
296-46-59010	REP	84-15-051	296-46-59010	REP	84-15-051
296-62-054	NEW-P	84-09-029	296-62-054	NEW-P	84-09-029
296-62-054	NEW	84-13-001	296-62-05403	NEW-P	84-09-029
296-62-05403	NEW-P	84-09-029	296-62-05403	NEW	84-13-001
296-62-05405	NEW-P	84-09-029	296-62-05405	NEW-P	84-09-029
296-62-05405	NEW	84-13-001	296-62-05405	NEW	84-13-001
296-62-05407	NEW-P	84-09-029	296-62-05407	NEW-P	84-09-029
296-62-05407	NEW	84-13-001	296-62-05407	NEW	84-13-001
296-62-05409	NEW-P	84-09-029	296-62-05409	NEW-P	84-09-029
296-62-05411	NEW-P	84-09-029	296-62-05411	NEW	84-13-001
296-62-05411	NEW	84-13-001	296-62-05413	NEW-P	84-09-029
296-62-05413	NEW-P	84-09-029	296-62-05413	NEW	84-13-001
296-62-05415	NEW-P	84-09-029	296-62-05415	NEW-P	84-09-029
296-62-05415	NEW	84-13-001	296-62-05417	NEW-P	84-09-029
296-62-05417	NEW-P	84-09-029	296-62-05417	NEW	84-13-001
296-62-05419	NEW-P	84-09-029	296-62-05419	NEW-P	84-09-029
296-62-05419	NEW	84-13-001	296-62-05421	NEW	84-13-001
296-62-05421	NEW-P	84-09-029	296-62-05421	NEW-P	84-09-029
296-62-05421	NEW	84-13-001	296-62-05422	NEW-P	84-09-029
296-62-05422	NEW-P	84-09-029	296-62-05425	NEW	84-13-001
296-62-05425	NEW	84-13-001	296-81-007	AMD-C	84-03-008
296-81-007	AMD-C	84-03-008	296-81-007	AMD	84-05-005
296-81-340	AMD-C	84-03-008	296-81-340	AMD-C	84-03-008
296-81-340	AMD	84-05-005	296-81-340	AMD	84-05-005
296-81-360	AMD-C	84-03-008	296-81-360	AMD-C	84-03-008
296-81-360	AMD	84-05-005	296-81-991	NEW-C	84-03-008
296-81-991	NEW-C	84-03-008	296-81-991	NEW	84-05-005
296-93-010	NEW-P	84-05-032	296-93-010	NEW-P	84-05-032
296-93-010	NEW	84-10-025	296-93-020	NEW	84-10-025
296-93-020	NEW-P	84-05-032	296-93-020	NEW	84-10-025
296-93-020	NEW	84-10-025	296-93-030	NEW-P	84-05-032
296-93-030	NEW-P	84-05-032	296-93-030	NEW	84-10-025
296-93-040	NEW-P	84-05-032	296-93-040	NEW	84-10-025
296-93-040	NEW	84-10-025	296-93-050	NEW-P	84-05-032
296-93-050	NEW-P	84-05-032	296-93-050	NEW	84-10-025
296-93-060	NEW-P	84-05-032	296-93-060	NEW-P	84-05-032
296-93-060	NEW	84-10-025	296-93-060	NEW	84-10-025
296-93-070	NEW-P	84-05-032	296-93-070	NEW-P	84-05-032
296-93-070	NEW	84-10-025	296-93-080	NEW-P	84-05-032
296-93-080	NEW-P	84-05-032	296-93-080	NEW	84-10-025
296-93-080	NEW	84-10-025	296-93-090	NEW-P	84-05-032
296-93-090	NEW-P	84-05-032	296-93-090	NEW	84-10-025
296-93-100	NEW-P	84-05-032	296-93-100	NEW-P	84-05-032
296-93-100	NEW	84-10-025	296-93-110	NEW-P	84-05-032
296-93-110	NEW-P	84-05-032	296-93-110	NEW	84-10-025

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-93-120	NEW-P	84-05-032	304-12-125	AMD-P	84-04-089	308-20-105	NEW-P	84-15-066
296-93-120	NEW	84-10-025	304-12-125	AMD	84-07-020	308-20-110	NEW-E	84-14-063
296-93-130	NEW-P	84-05-032	304-25-040	AMD-P	84-04-089	308-20-110	NEW-P	84-15-066
296-93-130	NEW	84-10-025	304-25-040	AMD	84-07-020	308-20-120	NEW-E	84-14-063
296-93-140	NEW-P	84-05-032	304-25-090	REP-P	84-04-089	308-20-120	NEW-P	84-15-066
296-93-140	NEW	84-10-025	304-25-090	REP	84-07-020	308-20-130	NEW-E	84-14-063
296-93-150	NEW-P	84-05-032	304-25-100	REP-P	84-04-089	308-20-130	NEW-P	84-15-066
296-93-150	NEW	84-10-025	304-25-100	REP	84-07-020	308-20-140	NEW-E	84-14-063
296-93-160	NEW-P	84-05-032	308-12-031	AMD	84-04-028	308-20-140	NEW-P	84-15-066
296-93-160	NEW	84-10-025	308-12-050	AMD	84-04-028	308-20-150	NEW-E	84-14-063
296-93-170	NEW-P	84-05-032	308-12-110	AMD	84-04-028	308-20-150	NEW-P	84-15-066
296-93-170	NEW	84-10-025	308-16-010	REP-P	84-15-066	308-20-160	NEW-E	84-14-063
296-93-180	NEW-P	84-05-032	308-16-020	REP-P	84-15-066	308-20-160	NEW-P	84-15-066
296-93-180	NEW	84-10-025	308-16-030	REP-P	84-15-066	308-20-170	NEW-E	84-16-010
296-93-190	NEW-P	84-05-032	308-16-040	REP-P	84-15-066	308-20-170	NEW-P	84-17-141
296-93-190	NEW	84-10-025	308-16-050	REP-P	84-15-066	308-20-180	NEW-E	84-14-063
296-93-200	NEW-P	84-05-032	308-16-060	REP-P	84-15-066	308-20-180	NEW-P	84-15-066
296-93-200	NEW	84-10-025	308-16-070	REP-P	84-15-066	308-20-190	NEW-E	84-14-063
296-93-210	NEW-P	84-05-032	308-16-080	REP-P	84-15-066	308-20-190	NEW-P	84-15-066
296-93-210	NEW	84-10-025	308-16-090	REP-P	84-15-066	308-20-200	NEW-E	84-14-063
296-93-220	NEW-P	84-05-032	308-16-100	REP-P	84-15-066	308-20-200	NEW-P	84-15-066
296-93-220	NEW	84-10-025	308-16-110	REP-P	84-15-066	308-20-205	NEW-P	84-15-066
296-93-230	NEW-P	84-05-032	308-16-120	REP-P	84-15-066	308-24-300	REP-P	84-15-066
296-93-230	NEW	84-10-025	308-16-130	REP-P	84-15-066	308-24-305	REP-P	84-15-066
296-93-240	NEW-P	84-05-032	308-16-140	REP-P	84-15-066	308-24-315	REP-P	84-15-066
296-93-240	NEW	84-10-025	308-16-150	REP-P	84-15-066	308-24-320	REP-P	84-15-066
296-93-250	NEW-P	84-05-032	308-16-160	REP-P	84-15-066	308-24-330	REP-P	84-15-066
296-93-250	NEW	84-10-025	308-16-170	REP-P	84-15-066	308-24-335	REP-P	84-15-066
296-93-260	NEW-P	84-05-032	308-16-180	REP-P	84-15-066	308-24-340	REP-P	84-15-066
296-93-260	NEW	84-10-025	308-16-190	REP-P	84-15-066	308-24-345	REP-P	84-15-066
296-93-270	NEW-P	84-05-032	308-16-200	REP-P	84-15-066	308-24-350	REP-P	84-15-066
296-93-270	NEW	84-10-025	308-16-205	REP-P	84-15-066	308-24-355	REP-P	84-15-066
296-93-280	NEW-P	84-05-032	308-16-213	REP-P	84-15-066	308-24-360	REP-P	84-15-066
296-93-280	NEW	84-10-025	308-16-214	REP-P	84-15-066	308-24-370	REP-P	84-15-066
296-93-290	NEW-P	84-05-032	308-16-215	REP-P	84-15-066	308-24-382	REP-P	84-15-066
296-93-290	NEW	84-10-025	308-16-216	REP-P	84-15-066	308-24-384	REP-P	84-15-066
296-93-300	NEW-P	84-05-032	308-16-218	REP-P	84-15-066	308-24-390	REP-P	84-15-066
296-93-300	NEW	84-10-025	308-16-240	REP-P	84-15-066	308-24-395	REP-P	84-15-066
296-93-320	NEW-P	84-05-032	308-16-250	REP-P	84-15-066	308-24-400	REP-P	84-15-066
296-93-320	NEW	84-10-025	308-16-260	REP-P	84-15-066	308-24-403	REP-P	84-15-066
296-93-330	NEW-P	84-05-032	308-16-270	REP-P	84-15-066	308-24-404	REP-P	84-15-066
296-93-330	NEW	84-10-025	308-16-290	REP-P	84-15-066	308-24-420	REP-P	84-15-066
296-104-200	AMD-P	84-06-010	308-16-300	REP-P	84-15-066	308-24-430	REP-P	84-15-066
296-104-200	AMD	84-11-016	308-16-310	REP-P	84-15-066	308-24-440	REP-P	84-15-066
296-104-500	AMD-P	84-17-020	308-16-320	REP-P	84-15-066	308-24-450	REP-P	84-15-066
296-104-515	AMD-P	84-17-020	308-16-350	REP-P	84-15-066	308-24-460	REP-P	84-15-066
296-104-700	AMD-P	84-06-010	308-16-360	REP-P	84-15-066	308-24-470	REP-P	84-15-066
296-104-700	AMD	84-11-016	308-16-380	REP-P	84-15-066	308-24-485	REP-P	84-15-066
296-104-700	AMD-P	84-17-020	308-16-390	REP-P	84-15-066	308-24-500	REP-P	84-15-066
296-116-070	AMD-P	84-07-027	308-16-400	REP-P	84-15-066	308-24-510	REP-P	84-15-066
296-116-070	AMD	84-11-056	308-16-430	REP-P	84-15-066	308-24-520	REP-P	84-15-066
296-116-300	AMD	84-04-006	308-16-440	REP-P	84-15-066	308-24-530	REP-P	84-15-066
296-116-300	AMD-E	84-04-007	308-16-450	REP-P	84-15-066	308-24-540	REP-P	84-15-066
296-116-330	REP-P	84-07-028	308-16-460	REP-P	84-15-066	308-25-020	REP	84-04-088
296-116-330	REP-E	84-08-013	308-16-470	REP-P	84-15-066	308-25-025	NEW	84-04-088
296-116-330	REP	84-11-041	308-16-500	REP-P	84-15-066	308-25-025	AMD-P	84-07-049
296-200-300	NEW-E	84-03-003	308-20-010	NEW-E	84-14-063	308-25-025	AMD	84-10-063
296-200-300	NEW-P	84-04-072	308-20-010	NEW-P	84-15-066	308-25-030	AMD	84-04-088
296-200-300	NEW-C	84-07-021	308-20-020	NEW-E	84-14-063	308-25-040	REP	84-04-088
296-200-300	NEW	84-12-018	308-20-020	NEW-P	84-15-066	308-25-070	AMD	84-04-088
296-200-310	NEW-E	84-03-003	308-20-030	NEW-E	84-14-063	308-25-200	NEW-P	84-17-112
296-200-310	NEW-P	84-04-072	308-20-030	NEW-P	84-15-066	308-26-015	AMD-P	84-04-085
296-200-310	NEW-C	84-07-021	308-20-040	NEW-E	84-14-063	308-26-015	AMD	84-08-019
296-200-310	NEW	84-12-018	308-20-040	NEW-P	84-15-066	308-26-017	AMD-P	84-04-085
296-200-320	NEW-E	84-03-003	308-20-050	NEW-E	84-14-063	308-26-017	AMD	84-08-019
296-200-320	NEW-P	84-04-072	308-20-050	NEW-P	84-15-066	308-26-030	NEW-P	84-17-116
296-200-320	NEW-C	84-07-021	308-20-060	NEW-E	84-14-063	308-31-015	NEW	84-02-077
296-200-320	NEW	84-12-018	308-20-060	NEW-P	84-15-066	308-31-020	AMD	84-02-077
296-400-300	NEW-P	84-04-072	308-20-060	NEW-P	84-17-141	308-31-100	NEW	84-02-077
296-400-300	NEW-C	84-07-021	308-20-070	NEW-E	84-14-063	308-31-110	NEW	84-02-077
296-400-300	NEW	84-12-018	308-20-070	NEW-P	84-15-066	308-31-120	NEW	84-02-077
304-12-015	REP-P	84-04-089	308-20-080	NEW-E	84-14-063	308-31-500	NEW	84-02-077
304-12-015	REP	84-07-020	308-20-080	NEW-P	84-15-066	308-31-510	NEW	84-02-077
304-12-020	NEW-P	84-04-089	308-20-090	NEW-E	84-14-063	308-31-520	NEW	84-02-077
304-12-020	NEW	84-07-020	308-20-090	NEW-P	84-15-066	308-31-530	NEW	84-02-077
304-12-025	NEW-P	84-04-089	308-20-100	NEW-E	84-14-063	308-31-540	NEW	84-02-077
304-12-025	NEW	84-07-020	308-20-100	NEW-P	84-15-066	308-31-550	NEW	84-02-077

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-31-560	NEW	84-02-077	308-50-190		84-10-062	308-93-080	AMD-P	84-10-081
308-31-570	NEW	84-02-077	308-50-190	READOPT	84-14-100	308-93-080	AMD	84-13-086
308-34-100	NEW-P	84-17-113	308-50-200		84-10-062	308-93-080	AMD-E	84-13-087
308-37-150	NEW-P	84-02-076	308-50-200	READOPT	84-14-100	308-93-085	NEW-P	84-10-081
308-37-150	NEW	84-05-070	308-50-210		84-10-062	308-93-085	NEW	84-13-086
308-40-102	AMD-P	84-04-087	308-50-210	READOPT	84-14-100	308-93-085	NEW-E	84-13-087
308-40-102	AMD	84-07-050	308-50-220	AMD-P	84-10-062	308-93-090	AMD-P	84-10-081
308-40-104	AMD-P	84-07-048	308-50-220	AMD	84-14-100	308-93-090	AMD-P	84-13-082
308-40-104	AMD	84-11-025	308-50-230		84-10-062	308-93-090	AMD-E	84-13-087
308-42-010	AMD-P	84-10-060	308-50-230	READOPT	84-14-100	308-93-110	AMD-P	84-10-081
308-42-010	AMD	84-03-057	308-50-240		84-10-062	308-93-110	AMD	84-13-086
308-42-020	REP	84-03-055	308-50-240	READOPT	84-14-100	308-93-110	AMD-E	84-13-087
308-42-030	REP	84-03-055	308-50-250		84-10-062	308-93-135	NEW-P	84-10-081
308-42-035	REP	84-03-055	308-50-250	READOPT	84-14-100	308-93-135	NEW	84-13-086
308-42-040	AMD	84-03-055	308-50-260		84-10-062	308-93-135	NEW-E	84-13-087
308-42-045	AMD-P	84-10-060	308-50-260	READOPT	84-14-100	308-93-140	AMD-P	84-10-081
308-42-045	AMD-P	84-13-058	308-50-270		84-10-062	308-93-140	AMD	84-13-086
308-42-045	AMD	84-17-032	308-50-270	READOPT	84-14-100	308-93-140	AMD-E	84-13-087
308-42-050	REP	84-03-055	308-50-280		84-10-062	308-93-140	AMD-P	84-17-140
308-42-055	REP	84-03-055	308-50-280	READOPT	84-14-100	308-93-145	NEW-P	84-10-081
308-42-060	AMD-P	84-10-060	308-50-290		84-10-062	308-93-145	NEW	84-13-086
308-42-060	AMD-P	84-13-058	308-50-290	READOPT	84-14-100	308-93-145	NEW-E	84-13-087
308-42-060	AMD	84-17-032	308-50-295		84-10-062	308-93-146	NEW-P	84-13-082
308-42-070	AMD	84-03-055	308-50-295	READOPT	84-14-100	308-93-146	NEW-E	84-13-087
308-42-120	AMD	84-03-055	308-51-190	NEW-P	84-17-111	308-93-150	AMD-P	84-10-081
308-42-125	NEW-P	84-10-060	308-52-100	AMD-P	84-12-090	308-93-150	AMD	84-13-086
308-42-125	NEW	84-13-057	308-52-100	AMD	84-15-068	308-93-150	AMD-E	84-13-087
308-42-130	NEW-P	84-10-060	308-52-138	AMD-P	84-15-067	308-93-155	NEW-P	84-10-081
308-42-130	NEW	84-13-057	308-52-254	NEW-P	84-15-067	308-93-155	NEW	84-13-086
308-42-135	NEW-P	84-10-060	308-52-255	AMD-P	84-12-090	308-93-155	NEW-E	84-13-087
308-42-135	NEW-P	84-13-058	308-52-255	AMD-P	84-15-067	308-93-160	AMD-P	84-10-081
308-42-135	NEW	84-17-032	308-52-255	AMD	84-15-068	308-93-160	AMD	84-13-086
308-42-140	NEW-P	84-10-060	308-52-502	AMD-P	84-15-067	308-93-160	AMD-E	84-13-087
308-42-140	NEW	84-13-057	308-53-030	AMD-P	84-05-069	308-93-165	NEW-P	84-10-081
308-42-145	NEW-P	84-10-060	308-53-030	AMD	84-09-082	308-93-165	NEW	84-13-086
308-42-145	NEW-P	84-13-058	308-53-085	AMD-P	84-05-069	308-93-165	NEW-E	84-13-087
308-42-145	AMD	84-17-032	308-53-085	AMD	84-09-082	308-93-215	NEW-P	84-10-081
308-42-150	NEW-P	84-10-060	308-53-120	AMD-P	84-05-069	308-93-215	NEW	84-13-086
308-42-150	NEW	84-13-057	308-53-120	AMD	84-09-082	308-93-215	NEW-E	84-13-087
308-42-155	NEW-P	84-10-060	308-53-190	REP-P	84-05-069	308-93-225	NEW-P	84-10-081
308-42-155	NEW	84-13-057	308-53-190	REP	84-09-082	308-93-225	NEW	84-13-086
308-42-160	NEW-P	84-10-060	308-53-211	NEW-P	84-12-089	308-93-225	NEW-E	84-13-087
308-42-160	NEW-P	84-13-058	308-53-211	NEW	84-16-087	308-93-260	AMD-P	84-10-081
308-42-160	AMD	84-17-032	308-54-140	AMD-P	84-04-086	308-93-260	AMD	84-13-086
308-42-200	NEW-P	84-13-083	308-54-140	AMD	84-07-051	308-93-260	AMD-E	84-13-087
308-42-200	NEW	84-17-031	308-54-150	AMD-P	84-04-086	308-93-270	AMD-P	84-10-081
308-48-145	NEW-P	84-08-061	308-54-150	AMD	84-07-051	308-93-270	AMD	84-13-086
308-48-145	NEW	84-11-059	308-55-005	NEW-P	84-17-115	308-93-270	AMD-E	84-13-087
308-50-010	AMD-E	84-03-018	308-78-010	AMD-P	84-06-066	308-93-290	AMD-P	84-10-081
308-50-010	AMD-P	84-04-048	308-78-040	AMD-P	84-06-066	308-93-290	AMD	84-13-086
308-50-010	AMD	84-08-062	308-78-045	AMD-P	84-06-066	308-93-290	AMD-E	84-13-087
308-50-020	AMD-E	84-03-018	308-78-050	AMD-P	84-06-066	308-93-310	AMD-P	84-10-081
308-50-020	AMD-P	84-04-048	308-78-070	AMD-P	84-06-066	308-93-310	AMD	84-13-086
308-50-020	AMD-P	84-10-059	308-93-010	AMD-P	84-10-081	308-93-310	AMD-E	84-13-087
308-50-020	AMD-P	84-14-097	308-93-010	AMD-P	84-13-082	308-93-350	AMD-P	84-10-081
308-50-050	REP-P	84-04-048	308-93-010	AMD-E	84-13-087	308-93-350	AMD	84-13-086
308-50-050	REP	84-08-062	308-93-020	AMD-P	84-10-081	308-93-350	AMD-E	84-13-087
308-50-090	AMD-E	84-03-018	308-93-020	AMD	84-13-086	308-93-360	AMD-P	84-10-081
308-50-090	AMD-P	84-04-048	308-93-020	AMD-E	84-13-087	308-93-360	AMD	84-13-086
308-50-090	AMD-P	84-14-096	308-93-030	AMD-P	84-10-081	308-93-360	AMD-E	84-13-087
308-50-100	AMD-P	84-04-048	308-93-030	AMD-P	84-13-082	308-93-500	AMD-P	84-10-081
308-50-100	AMD	84-08-062	308-93-030	AMD-E	84-13-087	308-93-500	AMD	84-13-086
308-50-110	AMD-P	84-04-048	308-93-040	AMD-P	84-10-081	308-93-500	AMD-E	84-13-087
308-50-110	AMD-P	84-10-059	308-93-040	AMD-P	84-13-082	308-93-560	AMD-P	84-10-081
308-50-110	AMD-P	84-14-097	308-93-040	AMD-E	84-13-087	308-93-560	AMD	84-13-086
308-50-120	AMD-P	84-04-048	308-93-050	AMD-P	84-10-081	308-93-560	AMD-E	84-13-087
308-50-120	AMD	84-08-062	308-93-050	AMD-P	84-13-082	308-93-610	REP-P	84-10-081
308-50-130	AMD-P	84-14-096	308-93-050	AMD-E	84-13-087	308-93-610	REP	84-13-086
308-50-140		84-10-062	308-93-060	AMD-P	84-10-081	308-93-640	AMD-P	84-10-081
308-50-140	READOPT	84-14-100	308-93-060	AMD-P	84-13-082	308-93-640	AMD-P	84-13-082
308-50-150		84-14-096	308-93-060	AMD-E	84-13-087	308-93-640	AMD-E	84-13-087
308-50-160		84-10-062	308-93-070	AMD-P	84-10-081	308-93-650	NEW-P	84-06-056
308-50-160	READOPT	84-14-100	308-93-070	AMD	84-13-086	308-93-650	NEW	84-11-060
308-50-170		84-10-062	308-93-070	AMD-E	84-13-087	308-96A-310	NEW-E	84-13-063
308-50-170	READOPT	84-14-100	308-93-075	NEW-P	84-10-081	308-96A-310	NEW-P	84-13-065
308-50-180		84-10-062	308-93-075	NEW	84-13-086	308-96A-310	NEW	84-17-073
308-50-180	READOPT	84-14-100	308-93-075	NEW-E	84-13-087	308-96A-315	NEW-E	84-13-063

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308-96A-315	NEW-P	84-13-065	315-04-120	AMD-P	84-09-085	315-32-020	NEW-E	84-12-070
308-96A-315	NEW	84-17-073	315-04-120	AMD-E	84-11-012	315-32-020	NEW	84-17-018
308-96A-320	NEW-E	84-13-063	315-04-120	AMD	84-12-057	315-32-030	NEW-P	84-09-084
308-96A-320	NEW-P	84-13-065	315-04-132	NEW-E	84-06-045	315-32-030	NEW-E	84-12-070
308-96A-320	NEW	84-17-073	315-04-132	NEW-P	84-09-085	315-32-030	NEW	84-17-018
308-96A-325	NEW-E	84-13-063	315-04-132	NEW-E	84-11-012	315-32-040	NEW-P	84-09-084
308-96A-325	NEW-P	84-13-065	315-04-132	NEW	84-12-057	315-32-040	NEW-E	84-12-070
308-96A-325	NEW	84-17-073	315-04-133	NEW-E	84-06-045	315-32-040	NEW	84-17-018
308-96A-330	NEW-E	84-13-063	315-04-133	NEW-P	84-09-085	315-32-040	AMD-E	84-17-030
308-96A-330	NEW-P	84-13-065	315-04-133	NEW-E	84-11-012	315-32-040	AMD-P	84-17-143
308-96A-330	NEW	84-17-073	315-04-133	NEW	84-12-057	315-32-050	NEW-P	84-09-084
308-96A-335	NEW-E	84-13-063	315-04-134	NEW-P	84-09-085	315-32-050	NEW-E	84-12-070
308-96A-335	NEW-P	84-13-065	315-04-134	NEW-E	84-11-012	315-32-050	NEW	84-17-018
308-96A-335	NEW	84-17-073	315-04-134	NEW	84-12-057	315-32-060	NEW-P	84-09-084
308-96A-345	NEW-E	84-13-062	315-04-134	AMD-P	84-16-058	315-32-060	NEW-E	84-12-070
308-96A-345	NEW-P	84-13-064	315-04-180	AMD	84-05-008	315-32-060	NEW	84-17-018
308-96A-345	NEW	84-17-074	315-04-190	AMD-P	84-17-143	316-02-001	NEW-P	84-04-081
308-96A-350	NEW-E	84-13-062	315-06-120	AMD-P	84-05-050	316-02-001	NEW	84-07-037
308-96A-350	NEW-P	84-13-064	315-06-120	AMD	84-09-008	316-02-003	NEW-P	84-04-081
308-96A-350	NEW	84-17-074	315-06-120	AMD-E	84-15-042	316-02-003	NEW	84-07-037
308-96A-355	NEW-E	84-13-062	315-06-120	AMD-P	84-16-058	316-02-007	NEW-P	84-04-081
308-96A-355	NEW-P	84-13-064	315-06-130	AMD	84-05-008	316-02-007	NEW	84-07-037
308-96A-355	NEW	84-17-074	315-10-020	AMD	84-05-008	316-02-010	NEW-P	84-04-081
308-96A-360	NEW-E	84-13-062	315-10-030	AMD	84-05-008	316-02-010	NEW	84-07-037
308-96A-360	NEW-P	84-13-064	315-10-060	AMD	84-05-008	316-02-020	NEW-P	84-04-081
308-96A-360	NEW	84-17-074	315-11-071	AMD	84-05-008	316-02-020	NEW	84-07-037
308-96A-365	NEW-E	84-13-062	315-11-081	AMD	84-05-008	316-02-030	NEW-P	84-04-081
308-96A-365	NEW-P	84-13-064	315-11-101	AMD-E	84-03-026	316-02-030	NEW	84-07-037
308-96A-365	NEW	84-17-074	315-11-101	AMD-P	84-05-051	316-02-040	NEW-P	84-04-081
308-96A-370	NEW-E	84-13-062	315-11-101	AMD	84-09-008	316-02-040	NEW	84-07-037
308-96A-370	NEW-P	84-13-064	315-11-110	NEW-P	84-05-052	316-02-100	NEW-P	84-04-081
308-96A-370	NEW	84-17-074	315-11-110	NEW-E	84-05-053	316-02-100	NEW	84-07-037
308-96A-375	NEW-E	84-13-062	315-11-110	NEW	84-09-008	316-02-103	NEW-P	84-04-081
308-96A-375	NEW-P	84-13-064	315-11-111	NEW-P	84-05-052	316-02-103	NEW	84-07-037
308-96A-375	NEW	84-17-074	315-11-111	NEW-E	84-05-053	316-02-105	NEW-P	84-04-081
308-96A-380	NEW-E	84-13-062	315-11-111	NEW	84-09-008	316-02-105	NEW	84-07-037
308-96A-380	NEW-P	84-13-064	315-11-112	NEW-P	84-05-052	316-02-110	NEW-P	84-04-081
308-96A-380	NEW	84-17-074	315-11-112	NEW-E	84-05-053	316-02-110	NEW	84-07-037
308-115-300	NEW-P	84-17-114	315-11-112	NEW	84-09-008	316-02-120	NEW-P	84-04-081
308-138-200	AMD	84-05-011	315-11-120	NEW-P	84-07-053	316-02-120	NEW	84-07-037
308-138A-025	AMD	84-05-011	315-11-120	NEW-E	84-09-009	316-02-130	NEW-P	84-04-081
308-138B-120	REP	84-05-011	315-11-120	NEW-P	84-09-085	316-02-130	NEW	84-07-037
308-138B-165	NEW	84-05-011	315-11-120	NEW	84-12-057	316-02-140	NEW-P	84-04-081
308-138B-170	AMD	84-05-011	315-11-121	NEW-P	84-07-053	316-02-140	NEW	84-07-037
314-12-160	REP-P	84-09-062	315-11-121	NEW-E	84-09-009	316-02-150	NEW-P	84-04-081
314-12-160	REP-E	84-09-063	315-11-121	NEW-P	84-09-085	316-02-150	NEW	84-07-037
314-12-160	REP	84-11-093	315-11-121	NEW	84-12-057	316-02-160	NEW-P	84-04-081
314-12-170	NEW-P	84-15-028	315-11-122	NEW-P	84-07-053	316-02-160	NEW	84-07-037
314-12-170	NEW	84-17-117	315-11-122	NEW-E	84-09-009	316-02-170	NEW-P	84-04-081
314-16-040	AMD-P	84-09-022	315-11-122	NEW-P	84-09-085	316-02-170	NEW	84-07-037
314-16-040	AMD	84-11-092	315-11-122	NEW	84-12-057	316-02-180	NEW-P	84-04-081
314-16-110	AMD	84-02-066	315-11-130	NEW-P	84-12-056	316-02-180	NEW	84-07-037
314-16-110	AMD-P	84-12-075	315-11-130	NEW-E	84-12-070	316-02-200	NEW-P	84-04-081
314-16-110	AMD	84-15-061	315-11-130	NEW	84-17-017	316-02-200	NEW	84-07-037
314-16-200	AMD-W	84-03-019	315-11-131	NEW-P	84-12-056	316-02-210	NEW-P	84-04-081
314-16-200	AMD-P	84-07-052	315-11-131	NEW-E	84-12-070	316-02-210	NEW	84-07-037
314-16-200	AMD-W	84-09-077	315-11-131	NEW	84-17-017	316-02-220	NEW-P	84-04-081
314-16-200	AMD-P	84-12-076	315-11-132	NEW-P	84-12-056	316-02-220	NEW	84-07-037
314-16-200	AMD-C	84-15-027	315-11-132	NEW-E	84-12-070	316-02-230	NEW-P	84-04-081
314-16-205	NEW-P	84-06-063	315-11-132	NEW	84-17-017	316-02-230	NEW	84-07-037
314-16-205	NEW	84-09-024	315-12-030	AMD	84-05-008	316-02-300	NEW-P	84-04-081
314-18-040	AMD-P	84-06-064	315-30-020	AMD-E	84-15-042	316-02-300	NEW	84-07-037
314-18-040	AMD	84-09-025	315-30-020	AMD-P	84-16-058	316-02-310	NEW-P	84-04-081
314-20-010	AMD-P	84-06-062	315-30-030	AMD-E	84-15-042	316-02-310	NEW	84-07-037
314-20-010	AMD	84-09-023	315-30-030	AMD-P	84-16-058	316-02-320	NEW-P	84-04-081
314-24-110	AMD-P	84-06-062	315-30-040	AMD-E	84-15-042	316-02-320	NEW	84-07-037
314-24-110	AMD	84-09-023	315-30-040	AMD-P	84-16-058	316-02-330	NEW-P	84-04-081
314-38-020	AMD-P	84-11-039	315-30-080	NEW	84-05-008	316-02-330	NEW	84-07-037
314-38-020	AMD	84-14-028	315-30-080	AMD-P	84-17-143	316-02-340	NEW-P	84-04-081
315-02-080	NEW-P	84-17-143	315-30-090	NEW	84-05-008	316-02-340	NEW	84-07-037
315-04-070	AMD-E	84-06-045	315-31-020	AMD-E	84-15-042	316-02-350	NEW-P	84-04-081
315-04-070	AMD-E	84-09-009	315-31-020	AMD-P	84-16-058	316-02-350	NEW	84-07-037
315-04-070	AMD-P	84-09-085	315-32-010	NEW-C	84-12-055	316-02-360	NEW-P	84-04-081
315-04-070	AMD	84-12-057	315-32-010	NEW-P	84-09-084	316-02-360	NEW	84-07-037
315-04-120	AMD-P	84-05-050	315-32-010	NEW-E	84-12-070	316-02-370	NEW-P	84-04-081
315-04-120	AMD-E	84-06-045	315-32-010	NEW	84-17-018	316-02-370	NEW	84-07-037
315-04-120	AMD	84-09-008	315-32-020	NEW-P	84-09-084	316-02-400	NEW-P	84-04-081

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326-30-100	NEW 84-03-005	332-26-030	NEW-E 84-15-011	332-40-442	REP-P 84-13-066
326-30-100	AMD-P 84-03-048	332-26-040	NEW-E 84-15-011	332-40-444	REP-P 84-13-066
326-30-100	AMD-E 84-03-049	332-26-050	NEW-E 84-15-011	332-40-446	REP-P 84-13-066
326-30-100	AMD-P 84-05-033	332-26-051	NEW-E 84-16-021	332-40-450	REP-P 84-13-066
326-30-100	AMD-E 84-05-034	332-26-052	NEW-E 84-16-037	332-40-455	REP-P 84-13-066
326-30-100	AMD 84-06-017	332-26-052	AMD-E 84-16-063	332-40-460	REP-P 84-13-066
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326-30-100	AMD-P 84-14-002	332-26-060	NEW-E 84-15-011	332-40-470	REP-P 84-13-066
326-30-100	AMD-E 84-14-003	332-26-061	NEW-E 84-16-024	332-40-480	REP-P 84-13-066
326-30-100	AMD 84-17-049	332-26-080	NEW-E 84-16-068	332-40-485	REP-P 84-13-066
326-30-110	NEW 84-03-005	332-26-081	NEW-E 84-16-085	332-40-490	REP-P 84-13-066
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326-40-020	NEW-E 84-05-034	332-26-083	AMD-E 84-17-038	332-40-530	REP-P 84-13-066
326-40-020	NEW 84-05-054	332-26-083	AMD-E 84-17-048	332-40-535	REP-P 84-13-066
326-40-100	NEW-P 84-05-033	332-26-083	AMD-E 84-17-080	332-40-540	REP-P 84-13-066
326-40-100	NEW-E 84-05-034	332-26-083	AMD-E 84-17-096	332-40-545	REP-P 84-13-066
326-40-100	NEW 84-09-002	332-26-100	NEW-E 84-17-056	332-40-570	REP-P 84-13-066
330-01	NEW-C 84-07-008	332-30-106	AMD-P 84-15-070	332-40-580	REP-P 84-13-066
330-01-010	NEW-P 84-03-041	332-30-108	NEW-P 84-06-068	332-40-600	REP-P 84-13-066
330-01-010	NEW-E 84-03-042	332-30-108	NEW-C 84-11-027	332-40-650	REP-P 84-13-066
330-01-010	NEW 84-07-034	332-30-114	NEW-P 84-15-070	332-40-652	REP-P 84-13-066
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330-01-020	NEW 84-07-034	332-30-124	REP-P 84-15-070	332-40-695	REP-P 84-13-066
330-01-030	NEW-P 84-03-041	332-30-125	AMD-P 84-15-070	332-40-700	REP-P 84-13-066
330-01-030	NEW-E 84-03-042	332-30-145	AMD-P 84-15-070	332-40-710	REP-P 84-13-066
330-01-030	NEW 84-07-034	332-40-010	REP-P 84-13-066	332-40-800	REP-P 84-13-066
330-01-040	NEW-P 84-03-041	332-40-020	REP-P 84-13-066	332-40-830	REP-P 84-13-066
330-01-040	NEW-E 84-03-042	332-40-025	REP-P 84-13-066	332-40-840	REP-P 84-13-066
330-01-040	NEW 84-07-034	332-40-030	REP-P 84-13-066	332-40-910	REP-P 84-13-066
330-01-050	NEW-P 84-03-041	332-40-035	REP-P 84-13-066	332-41-010	NEW-P 84-13-066
330-01-050	NEW-E 84-03-042	332-40-037	REP-P 84-13-066	332-41-020	NEW-P 84-13-066
330-01-050	NEW 84-07-034	332-40-040	REP-P 84-13-066	332-41-030	NEW-P 84-13-066
330-01-060	NEW-P 84-03-041	332-40-045	REP-P 84-13-066	332-41-040	NEW-P 84-13-066
330-01-060	NEW-E 84-03-042	332-40-050	REP-P 84-13-066	332-41-055	NEW-P 84-13-066
330-01-060	NEW 84-07-034	332-40-055	REP-P 84-13-066	332-41-310	NEW-P 84-13-066
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330-01-070	NEW-E 84-03-042	332-40-100	REP-P 84-13-066	332-41-420	NEW-P 84-13-066
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330-01-080	NEW-E 84-03-042	332-40-175	REP-P 84-13-066	332-41-510	NEW-P 84-13-066
330-01-080	NEW 84-07-034	332-40-177	REP-P 84-13-066	332-41-665	NEW-P 84-13-066
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330-01-090	NEW-E 84-03-042	332-40-190	REP-P 84-13-066	332-41-910	NEW-P 84-13-066
330-01-090	NEW 84-07-034	332-40-200	REP-P 84-13-066	332-41-920	NEW-P 84-13-066
332-21-010	NEW-P 84-13-039	332-40-203	REP-P 84-13-066	332-41-950	NEW-P 84-13-066
332-21-020	NEW-P 84-13-039	332-40-205	REP-P 84-13-066	332-41-960	NEW-P 84-13-066
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332-22-060	AMD-P 84-13-040	332-40-300	REP-P 84-13-066	332-52-066	NEW-P 84-16-084
332-22-070	AMD-P 84-13-040	332-40-305	REP-P 84-13-066	332-52-067	NEW-P 84-16-084
332-22-080	AMD-P 84-13-040	332-40-310	REP-P 84-13-066	332-52-068	NEW-P 84-16-084
332-22-090	AMD-P 84-13-040	332-40-315	REP-P 84-13-066	332-52-069	NEW-P 84-16-084
332-22-100	AMD-P 84-13-040	332-40-320	REP-P 84-13-066	332-54-010	NEW-E 84-13-034
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332-22-130	AMD-P 84-13-040	332-40-355	REP-P 84-13-066	335-06-010	NEW-E 84-10-036
332-22-140	AMD-P 84-13-040	332-40-360	REP-P 84-13-066	335-06-020	NEW-P 84-14-001
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332-26-020	NEW-E 84-15-011	332-40-400	REP-P 84-13-066	335-06-030	NEW-E 84-10-036
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332-26-021	AMD-E 84-16-037	332-40-410	REP-P 84-13-066	335-06-040	NEW-P 84-10-035
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356-26-030	AMD	84-14-006	360-19-010	NEW	84-03-016
356-26-060	AMD-P	84-12-080	360-19-020	NEW	84-03-016
356-26-060	AMD-C	84-15-037	360-19-030	NEW	84-03-016
356-26-060	AMD-C	84-17-041	360-19-040	NEW	84-03-016
356-26-070	AMD-P	84-06-049	360-19-050	NEW	84-03-016
356-26-070	AMD-C	84-09-049	360-19-060	NEW	84-03-016
356-26-070	AMD	84-11-091	360-19-070	NEW	84-03-016
356-30-065	NEW-C	84-04-019	360-19-080	NEW	84-03-016
356-30-065	NEW-C	84-07-003	360-19-090	NEW	84-03-016
356-30-065	NEW-C	84-09-049	360-19-100	NEW	84-03-016
356-30-065	NEW	84-12-079	360-36-400	NEW-P	84-06-067
356-30-080	AMD-P	84-04-073	360-36-400	NEW-C	84-10-064
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356-30-080	AMD-C	84-09-049	360-36-410	NEW-P	84-06-067
356-30-080	AMD	84-12-079	360-36-410	NEW-C	84-10-064
356-30-130	AMD-E	84-04-021	360-36-410	NEW-C	84-12-021
356-30-130	AMD-P	84-04-073	360-36-420	NEW-P	84-06-067
356-30-130	AMD-C	84-07-003	360-36-420	NEW-C	84-10-064
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356-30-145	AMD-P	84-08-035	360-36-430	NEW-C	84-10-064
356-30-145	AMD-C	84-12-026	360-36-430	NEW-C	84-12-021
356-30-145	AMD-C	84-14-005	360-36-440	NEW-P	84-06-067
356-30-230	AMD-P	84-06-049	360-36-440	NEW-C	84-12-021
356-30-230	AMD	84-10-054	360-36-440	NEW-C	84-10-064
356-30-260	AMD-P	84-06-048	360-36-450	NEW-P	84-06-067
356-30-260	AMD-C	84-09-049	365-04	REAFF	84-14-064
356-30-300	AMD-E	84-14-062	365-06	REAFF	84-14-064
356-30-300	AMD-P	84-14-082	365-08	REAFF	84-14-064
356-30-300	AMD	84-17-042	365-12	REAFF	84-14-064
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356-30-305	AMD-P	84-06-049	365-31	REAFF	84-14-064
356-30-305	AMD-C	84-09-049	365-40	REAFF	84-14-064
356-30-305	AMD	84-11-091	365-60	REAFF	84-14-064
356-30-320	AMD-P	84-06-049	365-70	REAFF	84-14-064
356-30-320	AMD-C	84-09-049	365-80	REAFF	84-14-064
356-30-320	AMD	84-11-091	365-90	REAFF	84-14-064
356-30-330	AMD-P	84-14-081	388-08-00101	REP	84-05-040
356-30-330	AMD	84-17-042	388-08-002	REP	84-05-040
356-46-060	AMD	84-04-022	388-08-00201	NEW	84-05-040
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356-46-060	AMD-P	84-14-082	388-08-006	AMD	84-05-040
356-46-060	AMD	84-17-042	388-08-00601	AMD	84-05-040
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356-49-040	NEW	84-11-091	388-08-230	REP	84-05-040
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360-12-065	AMD	84-03-015	388-08-375	REP	84-05-040
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360-16-025	NEW	84-12-019	388-08-405	AMD	84-05-040
360-16-150	AMD-P	84-08-081	388-08-406	AMD	84-05-040
360-16-150	AMD	84-12-020	388-08-407	REP	84-05-040
360-16-230	AMD	84-03-015	388-08-408	REP	84-05-040
360-16-240	AMD-P	84-08-080	388-08-409	AMD	84-05-040
360-16-240	AMD-E	84-08-082	388-08-413	AMD	84-05-040
360-16-240	AMD	84-12-019	388-08-414	REP	84-05-040
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360-18-020	AMD-E	84-03-017	388-08-430	REP	84-05-040
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360-18-020	AMD-P	84-14-098	388-08-450	REP	84-05-040
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388-08-480	REP				84-05-040
388-08-490	REP				84-05-040
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388-08-503	REP				84-05-040
388-08-510	REP				84-05-040
388-08-520	REP				84-05-040
388-08-600	REP				84-05-040
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388-15-120	AMD-P				84-14-007
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388-15-553	AMD-P				84-15-012
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388-18-110	NEW-P				84-13-048
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392-138-003	NEW-P	84-10-070	392-140-031	REP-P	84-17-122	392-142-020	AMD-P	84-10-071
392-138-003	NEW	84-13-025	392-140-032	REP-P	84-17-122	392-142-020	AMD	84-13-026
392-138-010	AMD-P	84-10-070	392-140-033	REP-P	84-17-122	392-143-001	AMD-P	84-17-124
392-138-010	AMD	84-13-025	392-140-034	REP-P	84-17-122	392-143-010	AMD-P	84-17-124
392-138-012	NEW-P	84-10-070	392-140-035	REP-P	84-17-122	392-143-015	AMD-P	84-17-124
392-138-012	NEW	84-13-025	392-140-040	REP-P	84-17-122	392-143-030	AMD	84-03-001
392-138-015	REP-P	84-10-070	392-140-041	REP-P	84-17-122	392-143-030	AMD-P	84-17-124
392-138-015	REP	84-13-025	392-140-045	NEW-P	84-17-123	392-143-035	AMD-P	84-17-124
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392-138-100	NEW-P	84-10-070	392-140-064	NEW-P	84-17-123	392-160-001	REP	84-13-027
392-138-100	NEW	84-13-025	392-141	AMD-P	84-12-002	392-160-003	NEW-P	84-10-072
392-139-001	AMD	84-05-017	392-141	AMD	84-15-025	392-160-003	NEW	84-13-027
392-140-010	REP-E	84-14-053	392-141-005	REP-P	84-16-026	392-160-004	NEW-P	84-10-072
392-140-010	REP-P	84-14-057	392-141-007	REP-P	84-16-026	392-160-004	NEW	84-13-027
392-140-010	REP	84-17-050	392-141-008	REP-P	84-16-026	392-160-005	AMD-P	84-10-072
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392-140-011	REP-P	84-14-057	392-141-018	REP-P	84-16-026	392-160-005	AMD-P	84-17-126
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392-140-012	REP-E	84-14-053	392-141-038	REP-P	84-16-026	392-160-015	AMD	84-13-027
392-140-013	REP-P	84-14-057	392-141-042	REP-P	84-16-026	392-160-015	AMD-P	84-17-126
392-140-013	REP	84-17-050	392-141-043	REP-P	84-16-026	392-160-015	AMD-P	84-10-072
392-140-013	REP-E	84-14-053	392-141-043	REP-P	84-16-026	392-160-020	AMD-P	84-10-072
392-140-014	REP-P	84-14-057	392-141-105	NEW-P	84-12-002	392-160-020	AMD	84-13-027
392-140-014	REP	84-17-050	392-141-105	NEW	84-15-025	392-160-020	AMD-P	84-17-126
392-140-015	REP-E	84-14-053	392-141-110	NEW-P	84-12-002	392-160-026	NEW-P	84-10-072
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392-140-015	REP	84-17-050	392-141-115	NEW-P	84-12-002	392-160-026	AMD-P	84-17-126
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392-140-016	REP-P	84-14-057	392-141-120	NEW-P	84-12-002	392-160-027	NEW	84-13-027
392-140-016	REP	84-17-050	392-141-120	NEW	84-15-025	392-160-028	NEW-P	84-10-072
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392-140-017	REP-P	84-14-057	392-141-125	NEW	84-15-025	392-160-028	AMD-P	84-17-126
392-140-017	REP	84-17-050	392-141-130	NEW-P	84-12-002	392-160-029	NEW-P	84-10-072
392-140-018	REP-E	84-14-053	392-141-130	NEW	84-15-025	392-160-029	NEW	84-13-027
392-140-018	REP-P	84-14-057	392-141-140	NEW-P	84-12-002	392-160-035	AMD-P	84-10-072
392-140-018	REP	84-17-050	392-141-140	NEW	84-15-025	392-160-035	AMD	84-13-027
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392-140-019	REP-P	84-14-057	392-141-145	NEW	84-15-025	392-160-040	AMD-P	84-10-072
392-140-019	REP	84-17-050	392-141-150	NEW-P	84-12-002	392-160-040	AMD	84-13-027
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392-140-021	REP	84-17-050	392-141-165	NEW-P	84-12-002	392-162-005	NEW-P	84-10-073
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392-140-022	REP-P	84-14-057	392-141-170	NEW	84-15-025	392-162-010	NEW-P	84-10-073
392-140-022	REP	84-17-050	392-141-175	NEW-P	84-12-002	392-162-010	NEW	84-14-038
392-140-022	REP	84-17-050	392-141-175	NEW	84-15-025	392-162-015	NEW-P	84-10-073
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392-162-025	NEW-P	84-10-073	392-165-105	NEW	84-06-019	392-170-090	NEW-P	84-10-074
392-162-025	NEW	84-14-038	392-165-110	NEW	84-06-019	392-170-090	NEW	84-14-037
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392-162-030	NEW	84-14-038	392-165-120	NEW	84-06-019	392-170-095	NEW	84-14-037
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392-162-055	NEW	84-14-038	392-165-245	NEW	84-06-019	392-171-331	AMD-W	84-09-001
392-162-060	NEW-P	84-10-073	392-165-260	NEW	84-06-019	392-171-331	AMD-P	84-10-075
392-162-060	NEW	84-14-038	392-165-265	NEW	84-06-019	392-171-331	AMD	84-14-036
392-162-065	NEW-P	84-10-073	392-165-302	NEW	84-06-019	392-171-351	AMD-P	84-03-013
392-162-065	NEW	84-14-038	392-165-304	NEW	84-06-019	392-171-351	AMD-W	84-09-001
392-162-070	NEW-P	84-10-073	392-165-310	NEW	84-06-019	392-171-351	AMD-P	84-10-075
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392-162-080	NEW-P	84-10-073	392-165-325	NEW	84-06-019	392-171-366	AMD-W	84-09-001
392-162-080	NEW	84-14-038	392-165-327	NEW	84-06-019	392-171-366	AMD-P	84-10-075
392-162-085	NEW-P	84-10-073	392-165-330	NEW	84-06-019	392-171-366	AMD-E	84-13-031
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392-162-090	NEW-P	84-10-073	392-165-340	NEW	84-06-019	392-171-381	AMD-P	84-10-075
392-162-090	NEW	84-14-038	392-165-345	NEW	84-06-019	392-171-381	AMD	84-14-036
392-162-095	NEW-P	84-10-073	392-165-350	NEW	84-06-019	392-171-382	NEW-P	84-10-075
392-162-095	NEW	84-14-038	392-165-360	NEW	84-06-019	392-171-382	NEW	84-14-036
392-162-100	NEW-P	84-10-073	392-165-365	NEW	84-06-019	392-171-383	NEW-P	84-10-075
392-162-100	NEW	84-14-038	392-165-425	NEW	84-06-019	392-171-383	NEW	84-14-036
392-162-105	NEW-P	84-10-073	392-165-430	NEW	84-06-019	392-171-384	NEW-P	84-10-075
392-162-105	NEW	84-14-038	392-165-440	NEW	84-06-019	392-171-384	NEW	84-14-036
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392-162-115	NEW-P	84-10-073	392-165-455	NEW	84-06-019	392-171-391	AMD-P	84-10-075
392-162-115	NEW	84-14-038	392-165-460	NEW	84-06-019	392-171-391	AMD	84-14-036
392-163	AMD-P	84-17-128	392-165-500	NEW	84-06-019	392-171-401	AMD-P	84-10-075
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392-163-115	AMD-P	84-17-128	392-170	NEW-C	84-14-017	392-171-406	AMD-W	84-09-001
392-163-120	AMD-P	84-17-128	392-170-005	NEW-P	84-10-074	392-171-406	AMD-P	84-10-075
392-163-125	AMD-P	84-17-128	392-170-005	NEW	84-14-037	392-171-406	AMD	84-14-036
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392-163-140	AMD-P	84-17-128	392-170-010	NEW	84-14-037	392-171-411	AMD-W	84-09-001
392-163-142	AMD-P	84-17-128	392-170-015	NEW-P	84-10-074	392-171-411	AMD-P	84-10-075
392-163-145	AMD-P	84-17-128	392-170-015	NEW	84-14-037	392-171-411	AMD	84-14-036
392-163-180	AMD-P	84-17-128	392-170-020	NEW-P	84-10-074	392-171-412	NEW	84-14-036
392-163-186	NEW-P	84-17-128	392-170-020	NEW	84-14-037	392-171-413	NEW-P	84-03-013
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392-163-265	NEW-P	84-17-128	392-170-030	NEW	84-14-037	392-171-416	AMD-W	84-09-001
392-163-270	NEW-P	84-17-128	392-170-035	NEW-P	84-10-074	392-171-416	REP	84-14-036
392-163-275	NEW-P	84-17-128	392-170-035	NEW	84-14-037	392-171-416	REP-P	84-10-075
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392-163-299	NEW-P	84-17-128	392-170-040	NEW	84-14-037	392-171-418	NEW	84-14-036
392-163-300	AMD-P	84-17-128	392-170-045	NEW-P	84-10-074	392-171-426	REP-P	84-10-075
392-163-305	AMD-P	84-17-128	392-170-045	NEW	84-14-037	392-171-426	REP	84-14-036
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392-163-310	AMD-P	84-17-128	392-170-050	NEW	84-14-037	392-171-431	AMD	84-14-036
392-163-320	AMD-P	84-17-128	392-170-055	NEW-P	84-10-074	392-171-461	AMD-P	84-10-075
392-163-335	AMD-P	84-17-128	392-170-055	NEW	84-14-037	392-171-461	AMD-E	84-13-031
392-163-360	AMD-P	84-17-128	392-170-060	NEW-P	84-10-074	392-171-461	AMD	84-14-036
392-163-362	NEW-P	84-17-128	392-170-060	NEW	84-14-037	392-171-516	AMD-P	84-03-013
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392-163-385	AMD-P	84-17-128	392-170-075	NEW-P	84-10-074	392-171-533	NEW-E	84-16-020
392-163-435	NEW-P	84-17-128	392-170-075	NEW	84-14-037	392-171-536	AMD-P	84-16-019
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392-171-551	AMD-E	84-16-020	419-14-085	NEW-P	84-03-043	458-16-111	AMD-P	84-17-079
392-171-559	NEW-P	84-16-019	419-14-085	NEW-E	84-03-044	458-16-130	AMD-P	84-17-079
392-171-559	NEW-E	84-16-020	419-14-085	NEW-E	84-09-057	458-16-150	AMD-P	84-17-079
392-171-561	AMD-P	84-16-019	419-14-085	NEW	84-09-058	458-16-210	AMD-P	84-17-079
392-171-561	AMD-E	84-16-020	419-14-120	NEW-E	84-08-009	458-16-220	AMD-P	84-17-079
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392-171-566	REP-P	84-16-019	434-20	REP-C	84-14-045	458-16-260	AMD-P	84-17-079
392-171-566	REP-E	84-16-020	434-20-010	REP-P	84-12-086	458-16-270	AMD-P	84-17-079
392-171-571	REP-P	84-16-019	434-20-020	REP-P	84-12-086	458-16-280	AMD-P	84-17-079
392-171-571	REP-E	84-16-020	434-20-030	REP-P	84-12-086	458-16-282	AMD-P	84-17-079
392-171-576	AMD-P	84-16-019	434-20-040	REP-P	84-12-086	458-18-010	AMD-P	84-17-078
392-171-576	AMD-E	84-16-020	434-20-050	REP-P	84-12-086	458-18-020	AMD-P	84-17-078
392-171-596	AMD-P	84-17-129	434-24	AMD-C	84-14-045	458-18-030	AMD-P	84-17-078
392-171-601	AMD-P	84-17-129	434-24-005	NEW-P	84-12-086	458-18-050	AMD-P	84-17-078
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