

Washington State Register

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

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

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

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

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

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

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

5. EFFECTIVE DATE OF RULES

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

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1985

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		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing/adoption on or after</i>
85-01	Nov 21	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 22
85-02	Dec 5	Dec 19, 1984	Jan 2, 1985	Jan 16	Feb 5
85-03	Dec 26, 1984	Jan 9, 1985	Jan 23	Feb 6	Feb 26
85-04	Jan 9	Jan 23	Feb 6	Feb 20	Mar 12
85-05	Jan 23	Feb 6	Feb 20	Mar 6	Mar 26
85-06	Feb 6	Feb 20	Mar 6	Mar 20	Apr 9
85-07	Feb 20	Mar 6	Mar 20	Apr 3	Apr 23
85-08	Mar 6	Mar 20	Apr 3	Apr 17	May 7
85-09	Mar 20	Apr 3	Apr 17	May 1	May 21
85-10	Apr 3	Apr 17	May 1	May 15	Jun 4
85-11	Apr 24	May 8	May 22	Jun 5	Jun 25
85-12	May 8	May 22	Jun 5	Jun 19	Jul 9
85-13	May 22	Jun 5	Jun 19	Jul 3	Jul 23
85-14	Jun 5	Jun 19	Jul 3	Jul 17	Aug 6
85-15	Jun 26	Jul 10	Jul 24	Aug 7	Aug 27
85-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
85-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
85-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
85-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
85-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
85-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
85-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
85-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
85-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1986

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 85-07-001
NOTICE OF PUBLIC MEETINGS
COUNCIL ON
VOCATIONAL EDUCATION
 [Memorandum—March 6, 1985]

The next regular meeting of the Washington State Advisory Council on Vocational Education will be held Thursday, March 28, 1985, in the Auditorium of the Seattle-Tacoma International Airport. The meeting is scheduled to begin at 10:00 a.m.

This meeting site is barrier free. Interpreters for people with hearing impairments and taped information for people with visual impairments can be provided upon request, if the State Advisory Council on Vocational Education is notified by March 22, 1985.

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

WSR 85-07-002
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 85-16—Filed March 7, 1985]

I, William R. Wilkerson, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing rules.

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this rule is made pursuant to the Columbia River compact.

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

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

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

APPROVED AND ADOPTED March 7, 1985.

By William R. Wilkerson
 Director

NEW SECTION

WAC 220-32-03000Q GILL NET SEASON. Notwithstanding the provisions of WAC 220-32-030, WAC 220-32-031 and WAC 220-32-032, it is unlawful to take fish for or possess salmon for commercial purposes with gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C,

1D and 1E, except in those areas, at those times and with the gear designated below:

Areas 1A, 1B, 1C and that portion of 1D downstream from a line perpendicular to the thread of the river from Kelley Point, east bank of Willamette River.

12:00 noon March 3 until 6:00 p.m. March 7, 1985. 8 inch minimum mesh restriction.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-03000P GILL NET SEASON. (85-12)

WSR 85-07-003
ADOPTED RULES
DEPARTMENT OF AGRICULTURE
(Noxious Weed Control Board)
 [Order 16, Resolution No. 16—Filed March 7, 1985]

Be it resolved by the State Noxious Weed Control Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to proposed noxious weed list, amending WAC 16-750-010.

This action is taken pursuant to Notice No. WSR 85-03-102 filed with the code reviser on January 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 17.10.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 7, 1985.

By Terry Peters
 Chairman

AMENDATORY SECTION (Amending Order 15, Resolution No. 15, filed 3/6/84)

WAC 16-750-010 PROPOSED NOXIOUS WEED LIST. In accordance with RCW 17.10.080, a proposed noxious weed list comprising the names of those plants which the noxious weed control board finds to be injurious to crops, livestock, or other property is hereby adopted as follows:

ENGLISH OR COMMON NAME	BOTANICAL OR SCIENTIFIC NAME
Perennial Weeds	
Austrian fieldcress	Rorippa austriaca
Austrian peaweed	Sphaerophysa salsula
Baby's Breath	Gypsophila paniculata
Bindweed, field	Convolvulus arvensis
Bindweed, hedge	Convolvulus sepium

ENGLISH OR
COMMON NAME

BOTANICAL OR
SCIENTIFIC NAME

Blue Lettuce
Blueweed, Texas
Bracken, western
Camelthorn
Canada Thistle
Dalmation Toadflax
Gorse
Hairy whitetop
Hoary Cress or White Top
Hydrilla
Johnsongrass
Knapweed, complex
Leafy Spurge
Lupine, broadleaf
Lupine, grassland
Lupine, low
Lupine, sabin's
Lupine, silky
Lupine, sulfur
Lupine, tailcup
Lupine, velvet
Nightshade, bitter
Nightshade, silverleaf
Nutsedge, yellow
Oxeye Daisy
Pepperweed, perennial
Poison Ivy
Poison Oak, Pacific
Quackgrass
Rush Skeletonweed
St. Johnswort
Scotch Broom
Sowthistle, perennial
Tansy, common
Waterhemlock, western
Watermilfoil, Eurasian
Wormwood, Absinthe
Yellow Toadflax

Lactuca pulchella
Helianthus ciliaris
Pteridium aquilinum
Alhagi camelorum
Cirsium arvense
Linaria dalmatica
Ulex europaeus
Cardaria pubescens
Cardaria draba
Hydrilla verticillata
Sorghum halepense
Centaurea spp.
Euphorbia esula
Lupinus latifolius
Lupinus laxiflorus
Lupinus pusillus
Lupinus sabinii
Lupinus sericeus
Lupinus sulphureus
Lupinus caudatus
Lupinus leucophyllus
Solanum dulcamara
Solanum elaeagnifolium
Cyperus esculentus
Chrysanthemum leucanthemum
Lepidium latifolium
Rhus radicans L.
Rhus diversiloba
Agropyron repens
Chondrilla juncea
Hypericum perforatum
Cytisus scoparius
Sonchus arvensis
Tanacetum vulgare
Cicuta douglasii
Myriophyllum spicatum
Artemisia absinthium
Linaria vulgaris

Biennial Weeds

Bull Thistle
Houndstongue
Knapweed, spotted
Musk Thistle
Plumeless Thistle
Poison Hemlock
Scotch Thistle
Tansy Ragwort
Wild carrot or Queen
Annes lace

Cirsium vulgare
Cynoglossum officinale
Centaurea maculosa
Carduus nutans L.
Carduus acanthoides
Conium maculatum
Onopordum acanthium
Senecio jacobaea

Daucus carota

Annual Weeds

Cocklebur
Dodder
Goatgrass, jointed
Hemp (Marijuana)
Kochia
Medusahead
Puncturevine
Rye
Sandbur, longspine
Yellow Starthistle

Xanthium spp.
Cuscuta spp.
Aegilops cylindrica
Cannabis sativa
Kochia scoparia
Taeniatherum asperum
Tribulus terrestris
Secale cereale L.
Cenchrus longispinus
Centaurea solstitialis

WSR 85-07-004
EMERGENCY RULES
LOTTERY COMMISSION
[Order 70—Filed March 8, 1985]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- New WAC 315-11-140 Definitions for Instant Game Number 14 ("Win for Life").
- New WAC 315-11-141 Criteria for Instant Game Number 14.
- New WAC 315-11-142 Ticket validation requirements for Instant Game Number 14.
- New WAC 315-11-150 Definitions for Instant Game Number 15 ("Joker's Wild").
- New WAC 315-11-151 Criteria for Instant Game Number 15.
- New WAC 315-11-152 Ticket validation requirements for Instant Game Number 15.
- Amd WAC 315-32-040 Prizes for Evergreen Lotto.

We, the Washington State Lottery Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the existing Game 14 emergency rules will expire before the effective date of previously filed permanent rules. Game 15 will start before permanent rules can be adopted. Procedures for claiming combined Lotto prizes and disposition of unclaimed Lotto prizes required clarification. Delay in implementation 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 March 1, 1985.

By Elwin Hart
Deputy Director

NEW SECTION

WAC 315-11-140 DEFINITIONS FOR INSTANT GAME NUMBER 14 ("WIN FOR LIFE").

(1) Play symbols: The following are the "play symbols": "TICKET", "\$2.00", "\$5.00", "50.00", "\$1000", and "\$LIFE". One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the front of the ticket below the latex covered area.

(3) Pack-ticket number: The ten-digit number of the form 4000001-000 printed on the back of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 14 constitute the "pack number" which starts at 4000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 14, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
TICKET	TICKET
\$2.00	TWO\$
\$5.00	FIVE\$
50.00	FIFTY\$
\$1000	THOUSAND
\$LIFE	THOU-MON

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 14, the agent verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes used by the licensed agent to verify lower tier prizes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

NEW SECTION

WAC 315-11-141 CRITERIA FOR INSTANT GAME NUMBER 14. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having a TICKET, \$2.00, \$5.00, 50.00, \$1000, or \$LIFE as a play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three TICKET play symbols	-	Win one free ticket
Three \$2.00 play symbols	-	Win \$2.00
Three \$5.00 play symbols	-	Win \$5.00
Three 50.00 play symbols	-	Win \$50.00
Three \$1000 play symbols	-	Win \$1,000
Three \$LIFE play symbols	-	Win \$1,000 per month for life

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection 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 as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game

Number 14 set forth in WAC 315-11-142, to the confidential validation requirements established by the director, and to the requirements stated 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 and in the player's brochure.

(6) Grand prize drawing for Instant Game Number 14: The grand prize drawing process shall be conducted as follows:

(a) There will be preliminary drawings from entries containing five valid nonwinning "WIN FOR LIFE" tickets conducted at dates, times, places and in a manner to be announced by the director.

(b) The director shall establish the procedure for the conduct of the preliminary drawings and the grand prize drawing.

(c) Fifty names will be selected in each of five preliminary drawings. In each drawing, one will be named a finalist in the grand prize drawing and forty-nine will receive a prize of \$1,000.

(d) To be eligible for entry into a preliminary drawing, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67-70 RCW and Title 315 WAC.

(ii) Collect five valid nonwinning "WIN FOR LIFE" instant game tickets. A valid nonwinning ticket is a ticket which meets all the requirements of these rules and regulations but which does not otherwise qualify for any other prize established in this section.

(iii) Write or print legibly, the entrant's name and address on the back of at least one of the five tickets or on a separate sheet of paper. An entry containing more than one name and/or address shall be disqualified.

(iv) Place the five tickets in a single envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("WIN FOR LIFE" Preliminary Drawing, Tacoma, WA 98455), or deliver it in person during normal business hours to:

Office of the Director
 Washington State Lottery
 600 Park Village Plaza
 1200 Cooper Point Road SW
 Olympia, WA

(e) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(f) Entries received by the lottery by 9:00 a.m. local time on the day of a preliminary drawing shall be entitled to participation in that drawing, except for the final preliminary drawing for which entries must be received no later than fourteen days after the announced end of game. The director reserves the right to place an entry which was entitled to, but which was not entered into a

drawing, into a subsequent preliminary drawing. The deadline for entry and the date of preliminary drawings may vary at the discretion of the director.

(g) An entry which contains one or more stolen tickets may be disqualified by the director.

(h) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(i) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "WIN FOR LIFE" preliminary drawing. All mail not drawn will be incinerated unopened.

(7) There will be one grand prize drawing for Instant Game Number 14. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be: First prize, \$50,000 a year for life, with the prize payment starting at age eighteen or older, and with a minimum of \$1,000,000 guaranteed; second prize, \$50,000; third prize \$25,000; fourth and fifth prizes, \$10,000 each. 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.

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 14 and/or

(b) Vary the number of tickets sold in Instant Game Number 14 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-142 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 14. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 14 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbol	Mead 15 Point Archer font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font

(d) Each of the six play symbols and their captions, the validation number, pack-ticket number and the agent verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-140(1) and each of the

captions must be exactly one of those described in WAC 315-11-140(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-150 DEFINITIONS FOR INSTANT GAME NUMBER 15 ("JOKERS WILD").

(1) Play symbols: The following are the "play symbols:" "9," "10," "J," "Q," "K," "A," and "♣." One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the lower right portion of the front of the ticket. The number is covered by latex which is overprinted "VOID IF REMOVED".

(3) Pack-ticket number: The ten-digit number of the form 5000001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 15 constitute the "pack number" which starts at 5000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 15, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL CAPTION

9	NINE
10	TEN
J	JACK
Q	QUEEN
K	KING
A	ACE
♣	JOKER

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 15, the agent verification code is a three-letter code, with each letter appearing in a varying three of five locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes used by the licensed agent to verify lower tier prizes are:

VERIFICATION CODE	PRIZE
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00







(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

NEW SECTION

WAC 315-11-151 CRITERIA FOR INSTANT GAME NUMBER 15. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three 9s or two 9s and one 	–	Win one free ticket
Three 10s or two 10s and one 	–	Win \$2.00
Three Js or two Js and one 	–	Win \$5.00
Three Qs or two Qs and one 	–	Win \$50.00
Three Ks or two Ks and one 	–	Win \$1,000
Three As or two As and one 	–	Win \$50,000

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection 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 as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 15 set forth in WAC 315-11-152, to the confidential validation requirements established by the director, and to the requirements stated 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 and in the player's brochure.

(6) Grand prize drawing for Instant Game Number 15: The grand prize drawing process shall be conducted as follows:

(a) There will be preliminary drawings from entries containing five valid nonwinning "JOKER'S WILD" tickets conducted at dates, times, places, and in a manner to be announced by the director.

(b) The director shall establish the procedure for the conduct of the preliminary drawings and the grand prize drawing.

(c) Fifty names will be selected in each of five preliminary drawings. In each drawing, one will be named a finalist in the grand prize drawing and forty-nine will receive a prize of \$1,000.

(d) To be eligible for entry into a preliminary drawing, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67-.70 RCW and Title 315 WAC.

(ii) Collect five valid nonwinning "JOKER'S WILD" instant game tickets. A valid nonwinning ticket is a ticket which meets all the requirements of these rules and regulations but which does not otherwise qualify for any other prize established in this section.

(iii) Write or print legibly, the entrant's name and address on the back of at least one of the five tickets or on a separate sheet of paper. An entry containing more than one name and/or address shall be disqualified.

(iv) Place the five tickets in a single envelope. An envelope which contains extraneous material or which has

had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("JOKER'S WILD" Grand Prize Drawing, Tacoma, WA 98450), or deliver it in person during normal business hours to:

Office of the Director
Washington State Lottery
600 Park Village Plaza
1200 Cooper Point Road SW
Olympia, WA

(e) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(f) Entries received by the lottery by 9:00 a.m. local time on the day of a preliminary drawing shall be entitled to participation in that drawing, except for the final preliminary drawing for which entries must be received no later than fourteen days after the announced end of game. The director reserves the right to place an entry which was entitled to, but which was not entered into a drawing, into a subsequent preliminary drawing. The deadline for entry and the date of preliminary drawings may vary at the discretion of the director.

(g) An entry which contains one or more stolen tickets may be disqualified by the director.

(h) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(i) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "JOKER'S WILD" grand prize drawing. All mail not drawn will be incinerated unopened.

(7) There will be one grand prize drawing for Instant Game Number 15. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be: First prize, \$50,000 a year for life, with the prize payment starting at age eighteen or older, and with a minimum of \$1,000,000 guaranteed; second prize, \$50,000; third prize \$25,000; fourth and fifth prizes, \$10,000 each. 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.

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 15 and/or

(b) Vary the number of tickets sold in Instant Game Number 15 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-152 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER

15. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 15 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbol	Mead 20 Point Crew font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and the agent verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-150(1) and each of the captions must be exactly one of those described in WAC 315-11-150(4).

(2) Removal of part or all of the latex overprinted "VOID IF REMOVED" covering of the validation number will not invalidate an otherwise valid ticket.

(3) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending Order 66, filed 10/5/84)

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.

(g) The holder of two or more jackpot winning tickets with a cumulative total cash value of \$250,000 or more may elect to receive a single prize based on the total cash value with prize payments in accordance with subsection (5) (a) or (b) or this section.

(h) In the event any player who has selected four, five, or six of the six winning numbers does not claim the prize won within one hundred eighty days after the drawing in which the prize was won, that player's prize shall be retained in the state lottery fund for further use as prizes, pursuant to RCW 67.70.190.

(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 85-07-005
ADOPTED RULES
LOTTERY COMMISSION
 [Order 71—Filed March 8, 1985]

Be it resolved by the Washington State Lottery Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to:

- New WAC 315-11-140 Definitions for Instant Game Number 14 ("Win for Life").
- New WAC 315-11-141 Criteria for Instant Game Number 14.
- New WAC 315-11-142 Ticket validation requirements for Instant Game Number 14.
- Amd WAC 315-02-020 Time and place of meetings.

This action is taken pursuant to Notice No. WSR 85-03-099 filed with the code reviser on January 23, 1985. 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 March 1, 1985.

By Elwin Hart
 Deputy Director

NEW SECTION

WAC 315-11-140 DEFINITIONS FOR INSTANT GAME NUMBER 14 ("WIN FOR LIFE").

(1) Play symbols: The following are the "play symbols": "TICKET", "\$2.00", "\$5.00", "50.00", "\$1000", and "\$LIFE". One of these play symbols appears under each of the six rub-off spots on the front of the ticket.

(2) Validation number: The unique nine-digit number on the front of the ticket below the latex covered area.

(3) Pack-ticket number: The ten-digit number of the form 4000001-000 printed on the back of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 14 constitute the "pack number" which starts at 4000001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 14, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
TICKET	TICKET
\$2.00	TWO\$
\$5.00	FIVE\$
50.00	FIFTY\$
\$1000	THOUSAND
\$LIFE	THOU-MON

(5) Agent verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the licensed agent uses to verify instant winners below \$25. For Instant Game Number 14, the agent verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The agent verification codes used by the licensed agent to verify lower tier prizes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
TIC	FREE TICKET
TWO	\$2.00
FIV	\$5.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

NEW SECTION

WAC 315-11-141 CRITERIA FOR INSTANT GAME NUMBER 14. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having a TICKET, \$2.00, \$5.00, 50.00, \$1000, or \$LIFE as a play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three TICKET play symbols	—	Win one free ticket
Three \$2.00 play symbols	—	Win \$2.00
Three \$5.00 play symbols	—	Win \$5.00
Three 50.00 play symbols	—	Win \$50.00
Three \$1000 play symbols	—	Win \$1,000
Three \$LIFE play symbols	—	Win \$1,000 per month for life

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection 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 as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 14 set forth in WAC 315-11-142, to the confidential validation requirements established by the director, and to the requirements stated 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 and in the player's brochure.

(6) Grand prize drawing for Instant Game Number 14: The grand prize drawing process shall be conducted as follows:

(a) There will be preliminary drawings from entries containing five valid nonwinning "WIN FOR LIFE" tickets conducted at dates, times, places and in a manner to be announced by the director.

(b) The director shall establish the procedure for the conduct of the preliminary drawings and the grand prize drawing.

(c) Fifty names will be selected in each of five preliminary drawings. In each drawing, one will be named a finalist in the grand prize drawing and forty-nine will receive a prize of \$1,000.

(d) To be eligible for entry into a preliminary drawing, an entrant must:

(i) Be eligible to win a prize pursuant to chapter 67.70 RCW and Title 315 WAC.

(ii) Collect five valid nonwinning "WIN FOR LIFE" instant game tickets. A valid nonwinning ticket is a ticket which meets all the requirements of these rules and regulations but which does not otherwise qualify for any other prize established in this section.

(iii) Write or print legibly, the entrant's name and address on the back of at least one of the five tickets or on a separate sheet of paper. An entry containing more than one name and/or address shall be disqualified.

(iv) Place the five tickets in a single envelope. An envelope which contains extraneous material or which has had the exterior altered for the apparent sole purpose of making the envelope more prominent shall be disqualified.

(v) Mail the envelope with proper postage and a legible return address of the entrant to the address specified on the back of the ticket and in the player's brochure ("WIN FOR LIFE" Preliminary Drawing, Tacoma, WA 98455), or deliver it in person during normal business hours to:

Office of the Director
Washington State Lottery
600 Park Village Plaza
1200 Cooper Point Road SW
Olympia, WA

(e) There is no limit to the number of entries a person may submit, but each entry must be submitted in a separate envelope and both the entry and the entrant of each must meet the qualifications set forth above.

(f) Entries received by the lottery by 9:00 a.m. local time on the day of a preliminary drawing shall be entitled to participation in that drawing; except for the final preliminary drawing for which entries must be received no later than fourteen days after the announced end of game. The director reserves the right to place an entry which was entitled to, but which was not entered into a drawing, into a subsequent preliminary drawing. The deadline for entry and the date of preliminary drawings may vary at the discretion of the director.

(g) An entry which contains one or more stolen tickets may be disqualified by the director.

(h) A nonconforming entry, at the sole discretion of the director, may be disqualified.

(i) The lottery shall not be responsible for any other material, including winning tickets, mailed or delivered to the "WIN FOR LIFE" preliminary drawing. All mail not drawn will be incinerated unopened.

(7) There will be one grand prize drawing for Instant Game Number 14. It will be conducted at a time and place and pursuant to procedures to be established and announced by the director. The prizes awarded at the grand prize drawing will be: First prize, \$50,000 a year for life, with the prize payment starting at age eighteen or older, and with a minimum of \$1,000,000 guaranteed; second prize, \$50,000; third prize \$25,000; fourth and fifth prizes, \$10,000 each. 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.

(8) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 14 and/or

(b) Vary the number of tickets sold in Instant Game Number 14 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-142 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 14. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 14 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbol	Mead 15 Point Archer font
Captions	Mead 5 x 11 Matrix font
Pack-Ticket Number	OCR-A Size 1 Condensed font
Validation Number	OCR-A Size 1 Condensed font
Agent Verification Code	Mead 7 x 12 Matrix font

(d) Each of the six play symbols and their captions, the validation number, pack-ticket number and the agent verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-140(1) and each of the captions must be exactly one of those described in WAC 315-11-140(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

AMENDATORY SECTION (Amending Order 36, filed 9/12/83)

WAC 315-02-020 TIME AND PLACE OF MEETINGS. (1) Regular public meetings of the commission shall be held ~~((upon))~~ on the first Friday of ~~((every other month, beginning with the month of February in any year))~~ March, June, September, and December, or the preceding business day if that Friday is a holiday. ~~((The location and time of))~~ Each such regular ~~((session))~~ meeting shall be ~~((as follows:~~

- TIME: 10:00 a.m.
- LOCATION: Washington State Lottery
Olympia Regional Office Conference Room
108 Park Village Plaza
1200 Cooper Point Road S.W.
Olympia, Washington)

held in Olympia, Washington at a time and place designated by the director and published in the meeting agenda.

(2) Additional public meetings necessary to discharge the business of the commission may be called from time to time by the chairman or by a quorum of the commission.

WSR 85-07-006

ADOPTED RULES

OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES

[Order 85-2—Filed March 8, 1985]

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:

- Amd WAC 326-20-170 Decision.
- New WAC 326-20-185 Renewal of certification.
- Amd WAC 326-20-190 State MWBE directory.
- Rep WAC 326-20-210 Reconsideration of decision.
- Amd WAC 326-40-020 Criteria for bid specifications—Averaging MWBE participation.

This action is taken pursuant to Notice No. WSR 85-03-032 filed with the code reviser on January 10, 1985. 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 March 8, 1985.

By Carolyn V. Patton
Director

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-170 DECISION. The office shall notify the applicant business by mail of its decision to grant or deny certification promptly after the decision has been made. The decision shall indicate whether the certification is for the state program, a federal program or both. Where the office has denied the application, the decision shall set forth the bases for denial. Where the office has denied certification because the women or minority owners did not meet the ownership criteria, this shall not preclude the office from denying the application on additional bases following resubmittal ~~((or reconsideration))~~.

NEW SECTION

WAC 326-20-185 RENEWAL OF CERTIFICATION. Each certified firm must submit a statement of present status prior to renewal of certification. The statement form will be provided to the certified business 60 days before expiration of its certification. Failure to return the completed form within 30 days may lead to decertification.

AMENDATORY SECTION (Amending Order 83-3, filed 10/28/83)

WAC 326-20-190 STATE MWBE DIRECTORY. The office will maintain a directory of certified MWBE's as follows:

(1) The office will maintain a complete directory of all MWBE's certified by the office for state projects and for federally-funded projects.

(2) The office will update and compile the directory into a form suitable for distribution ~~((at least semi))~~ annually and may issue supplements on a more frequent basis. The office will include in the supplements a list of those MWBEs removed from the list of certified firms at the conclusion of the administrative hearing process.

(3) The state MWBE directory will be available for purchase from the office at a reasonable cost. One copy will be made available to each state agency and educational institution at no charge. Copies will be provided to the state library.

(4) Bidders and others proposing to enter into contracts with state agencies and educational institutions shall have the responsibility of ensuring that firms proposed to be used by them toward MWBE goals are certified. State agencies and educational institutions contracting directly with a purported MWBE shall have the responsibility of ensuring that the firm is certified.

(5) Information concerning the status of a firm as a MWBE may be obtained by contacting the office during designated working hours.

REPEALER

The following sections of the Washington Administrative Code are each repealed:

WAC 326-20-210 RECONSIDERATION OF DECISION.

AMENDATORY SECTION (Amending Order 84-3, filed February 22, 1984)

WAC 326-40-020 CRITERIA FOR BID SPECIFICATIONS - AVERAGING MWBE PARTICIPATION. Where a contract for the purpose of goods and services is to be awarded on the basis of competitive bidding, and includes goals for MBE and WBE participation, and no bidder whose bid is within the range established under section 326-40-010 meets the goals established for such contract, the agency shall treat as responsive any bid which is in all other respects responsive and is within the range established under section 326-40-010, and includes MBE and WBE participation equal to or greater than the average participation included in all competitive bids. Competitive bids shall include all otherwise responsive bids which are within 25% of the lowest otherwise responsive bid. Where no bid meets the criteria established above, an award may be made to the lowest otherwise responsive bidder who does not meet the MBE and/or WBE requirements.

WSR 85-07-007
ATTORNEY GENERAL OPINION
Cite as: AGO 1985 No. 7
[March 7, 1985]

PENSIONS—RETIREMENT—DENTISTRY—MEDICAL AID—LAW ENFORCEMENT OFFICERS AND FIRE FIGHTERS—SCOPE OF MEDICAL SERVICES

- (1) The phrase "his teeth" in RCW 41.26.030 (relating to members of the Washington Law Enforcement Officers and Fire Fighters Retirement System) includes not only natural teeth but also previously installed dental work such as bridges, false teeth, fillings, and the like.
- (2) The obligation of an employer, under RCW 41.26.150, to pay for dental repair or replacement for an individual whose previous dental work broke while eating depends on whether, under the facts of the particular case as determined by the disability board having jurisdiction, the damages were the result of an accident.

Requested by:
Honorable Michael Patrick
State Representative, 47th District
417 House Office Building
Olympia, Washington 98504

WSR 85-07-008
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
[Order 85-2—Filed March 8, 1985]

I, R. H. "Bob" Lewis, supervisor of the Division of Savings and Loan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to examination

and supervision fees for credit unions, amending WAC 419-18-030, 419-18-040, 419-18-060 and 419-18-070.

This action is taken pursuant to Notice No. WSR 85-03-051 filed with the code reviser on January 14, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 31.12.545(1) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 5, 1985.
By R. H. "Bob" Lewis
Supervisor

AMENDATORY SECTION (Amending Order 82-5, filed 6/7/82)

WAC 419-18-030 HOURLY CHARGE FOR EXAMINATIONS. The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

- (1) For division personnel classified as Examiner I, (~~(\$16.88)~~) \$24.75 per hour;
- (2) For division personnel classified as Examiner II, (~~(\$21.88)~~) \$28.75 per hour; and
- (3) For division personnel classified as Examiner III (~~(or above, \$24.75)~~) \$31.25 per hour.
- (4) For division personnel classified as Examiner IV or above, \$35.00 per hour.

AMENDATORY SECTION (Amending Order 83-4, filed 9/26/83)

WAC 419-18-040 SEMIANNUAL ASSET CHARGE. The semiannual asset charge will be assessed at a rate of three (~~and one-half~~) cents per thousand dollars of total assets, computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates. Those credit unions the total assets of which are less than two hundred thousand dollars as of a particular assessment date shall not be required to pay an asset charge for the semiannual period immediately preceding such assessment date.

AMENDATORY SECTION (Amending Order 83-4, filed 9/26/83)

WAC 419-18-060 SUPERVISORY REVIEW OF EXAMINATIONS. Upon completion of each examination the examiner's report shall be reviewed and an examination letter prepared by administrative personnel. The hourly charge for the review and preparation of the examination letter shall be assessed at the rate of (~~(\$30.00)~~) \$35.00 per hour.

AMENDATORY SECTION (Amending Order 83-4, filed 9/26/83)

WAC 419-18-070 SPECIAL EXAMINATIONS. Special examinations shall be assessed at the rate of ~~((\$30.00))~~ \$35.00 per hour, per examiner. Special examinations shall include, but not be limited to electronic data processing examinations, special investigations, special examinations involving the division's staff supervisory personnel, and other special examinations and reviews the supervisor deems necessary.

WSR 85-07-009
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 85-3—Filed March 8, 1985]

I, R. H. "Bob" Lewis, supervisor of the Division of Savings and Loan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to examination and supervision fees for Savings and Loan Associations, amending WAC 419-14-030, 419-14-040, 419-14-100 and 419-14-110.

This action is taken pursuant to Notice No. WSR 85-03-050 filed with the code reviser on January 14, 1985. 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 33.28.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 5, 1985.

By R. H. "Bob" Lewis
 Supervisor

AMENDATORY SECTION (Amending Order 84-4, filed 5/31/84)

WAC 419-14-030 HOURLY CHARGE FOR EXAMINATIONS. The hourly charge for hours spent by personnel of the division of savings and loan in conducting examinations shall be assessed as follows:

- (1) For division personnel classified as Examiner I, ~~((\$16.88))~~ \$27.50 per hour;
- (2) For division personnel classified as Examiner II, ~~((\$21.88))~~ \$31.00 per hour;
- (3) For division personnel classified as Examiner III ~~((or above, \$24.75))~~ \$34.00 per hour;
- (4) For division personnel classified as Examiner IV ~~((or above, \$30.00))~~ \$35.00 per hour.

In addition to the hourly examination fee, foreign associations doing business in the state of Washington will defray the costs of travel and per diem paid to division personnel in examinations performed outside the state of Washington.

AMENDATORY SECTION (Amending Order 82-4, filed 6/7/82)

WAC 419-14-040 SEMIANNUAL ASSET CHARGE. The semiannual asset charge will be assessed at a rate of three ~~((and one-half))~~ cents per thousand dollars ~~((of total assets))~~. On the first twenty-five million dollars of assets, and two and three-fourths cents per thousand dollars on the next twenty-five million dollars of assets, and two and one-half cents per thousand dollars of assets on all remaining assets; except that a minimum charge of one thousand dollars will be charged to all associations and no association will be charged more than seven thousand five hundred dollars. Asset fees will be computed on assets as of June 30 and December 31 of each calendar year, and payable no later than July 15 and January 15 next following the respective assessment dates.

AMENDATORY SECTION (Amending Order 83-5, filed 9/26/83)

WAC 419-14-100 SUPERVISORY REVIEW OF EXAMINATION. Upon completion of each examination the examiner's report shall be reviewed and an examination letter prepared by administrative personnel. The hourly charge for the review and preparation of the examination letter shall be assessed at the rate of ~~((\$30.00))~~ \$35.00 per hour.

AMENDATORY SECTION (Amending Order 83-5, filed 9/26/83)

WAC 419-14-110 SPECIAL EXAMINATIONS. Special examination shall be assessed at the rate of ~~((\$30.00))~~ \$35.00 per hour per examiner. Special examinations shall include, but not be limited to electronic data processing examinations, special investigations, special examinations involving the division's staff supervisory personnel, and other special examinations and reviews the supervisor deems necessary.

WSR 85-07-010
ADOPTED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 85-4—Filed March 8, 1985]

I, R. H. "Bob" Lewis, supervisor of the Division of Savings and Loan, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees for branch application of foreign associations, amending WAC 419-14-075.

This action is taken pursuant to Notice No. WSR 85-03-049 filed with the code reviser on January 14, 1985. 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 33.08.110 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 5, 1985.

By R. H. "Bob" Lewis
Supervisor

AMENDATORY SECTION (Amending Order 84-4, filed 5/31/84)

WAC 419-14-075 BRANCH APPLICATION FEE—FOREIGN ASSOCIATIONS. The fee required by RCW 33.08.110 to be submitted in connection with an application to establish a branch office of a foreign association in this state shall be two thousand five hundred dollars, nonrefundable for the first branch and five hundred dollars for each additional branch. In the event the actual costs of the investigation with respect to a particular application exceed the amount of the fee, such difference between the fee and the actual costs shall be paid by the applicant. For the purposes of this section, actual costs shall include travel and per diem expenses paid to division personnel in connection with the investigation.

WSR 85-07-011
EMERGENCY RULES
DEPARTMENT OF ECOLOGY
[Order 85-04—Filed March 8, 1985]

I, Glen H. Fiedler, acting deputy director of the Department of Ecology, do promulgate and adopt at the Department of Ecology, Lacey, Washington, the annexed rules relating to implementation of regulations for air contaminant sources, chapter 173-403 WAC. The definitions of four terms were clarified and the definitions of "parts per million" and "standard conditions" were added from other chapters. WAC 173-403-050(9) was added for visibility requirements on sources in non-attainment areas in addition to ones already required in attainment areas. WAC 173-403-050 (4)(c) was deleted as being redundant. The use of emission reduction credits (ERC) is qualified to be consistent with all federal, state and local requirements. The date of an effective federal reference was changed to avoid those parts of the reference held to be illegal by the courts.

I, Glen H. Fiedler, 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 some of these rule changes were made to comply with EPA requirements relating to the state implementation plan for air quality control. These requirements were to have been completed by December 31, 1984. The department needs to adhere as closely as possible to the committed deadline.

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

This rule is promulgated pursuant to RCW 70.94.331 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 8, 1985.

By Glen H. Fiedler
Acting Deputy Director

AMENDATORY SECTION (Amending Order DE 83-22, filed 8/26/83)

WAC 173-403-030 DEFINITIONS. Unless a different meaning is ((*plainly*)) clearly required by context, ((*the following*)) words and phrases(~~as hereinafter~~) used in this chapter((:)) and other chapters of Title 173 WAC shall have the following meanings:

(1) "Actual emissions" as of a particular date means the average rate, in weight per unit time, with air pollution controls applied, at which the affected emission unit emitted the pollutant during the two-year period which precedes the particular date, and which is representative of normal operation. An adjustment may be made to the average annual emission rate to account for unusual circumstances during the two-year period. The department or cognizant local authority may allow or require the use of an alternative time period upon a determination that the alternative time period is more representative of normal operation than is the immediately-preceding two years. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

The department or cognizant local authority may presume that source-specific allowable emissions, which incorporate limits on hours of operation or production rate, are equivalent to the actual emissions of the unit.

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairments, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(5) "Allowable emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is limited in production rate or hours of operation, or both, by an applicable regulatory order) and the most stringent of (a), (b), or (c) of this subsection. Physical and process limitations must be considered in determining maximum rated capacity.

(a) Standards as set forth in 40 CFR Part 60 and Part 61, if applicable to the source, or

(b) The applicable state implementation plan emission limitation; or

(c) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(8) "Best available control technology (BACT)" means technology which will result in an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to this regulation which would be emitted from any proposed new or modified source which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such sources or modification through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such air pollutant. In no event shall application of the best available technology result in emissions of any air pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61. If the reviewing agency determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, it may instead prescribe a design, equipment, work practice or operational standard, or combination thereof, to meet the requirement of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results. The requirement of RCW 70.94.152 that a new source will provide "all known available and reasonable methods of emission control" is interpreted to mean the same as best available control technology.

(9) "Best available retrofit technology (BART)" means any emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by source. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result

from the use of such technology. If an emission limitation is not feasible, a design, equipment, work practice, operational standard, or combination thereof, may be required. Such standards shall, to the degree possible, set forth the emission reductions achieved and provide for compliance by prescribing appropriate conditions in a regulatory order.

(10) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit or units in exchange for a decrease in emissions from another emissions unit or units, pursuant to RCW 70.94 155.

(11) "Class I area" means any federal, state, or Indian land which is classified or reclassified Class I.

(12) "Cognizant local authority" means an (~~activated~~) air pollution control authority (~~(formed)~~) activated pursuant to chapter 70.94 RCW (~~(, which authority)~~) that has jurisdiction over the subject source (~~(being considered)~~).

(13) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(14) "Department" means the Washington state department of ecology.

(15) "Director" means director of the Washington state department of ecology or (~~(his)~~) duly authorized representative.

(16) "Dispersion technique" means any one of the following:

(a) A stack whose height exceeds good engineering practice; or

(b) An intermittent or supplemental control of pollutants varying with atmospheric conditions, including any method which attempts to affect the concentration of a pollutant according to atmospheric conditions and the manipulation of source process parameters or selective handling of exhaust gas streams; or

(c) Use of a fan or reheater to obtain a less stringent emission limitation.

(17) "Emission" means a release of air contaminants into the ambient air.

(18) "Emission reduction credit (ERC)" means a credit granted to a source for a voluntary reduction in actual emissions.

(19) "Emission standard" means a regulation or regulatory order (or portion thereof) setting forth an allowable rate of emissions, level of opacity, or prescribing equipment or operating conditions that result in control of air pollution emission.

(20) "Emissions unit" means any equipment, device, process, or activity that produces and emits to the outside air, or that may produce and emit to the outside air, any contaminant regulated by state or federal law.

(21) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(22) "Good engineering practice (GEP)" refers to the height of a stack and means one of the following, whichever is the greatest:

(a) Sixty-five meters; or

(b) Height determined by formula. For stacks in existence on or before January 12, 1979, formula height is two and one-half times the height of any nearby structure. For stacks constructed after January 12, 1979, formula height is the height of any nearby structure plus one and one-half times the height or width of said structure, whichever is lesser. The height of the nearby structure is measured from ground level at the base of the stack. "Nearby," as used in this paragraph, means that distance up to five times the lesser of the height or width dimension of said structure, but no greater than .8 kilometer; or

(c) Height determined by physical demonstration of need to prevent excessive concentrations of a pollutant due to downwash, wakes, or eddies created by structures or terrain obstacles. To make such a demonstration it is required that maximum concentrations caused by the source's emissions from its proposed stack height, without consideration of nearby structures or terrain obstacles, will increase at least forty percent when the effects of the structures or terrain obstacles are considered. This difference in concentrations must be shown either by a fluid model study conducted in accordance with guidelines published by the environmental protection agency or by a field study which has been approved by the department or cognizant local authority. Such a study may be approved only after public involvement pursuant to WAC 173-403-110.

(23) "In operation" means engaged in activity related to the primary design function of the source.

(24) "Integral vista" means a view perceived from within the Class I area of a specific landmark or panorama located outside the boundary of the Class I area.

(25) "Land manager" means the secretary of the federal or head of the state department or Indian governing body with authority over the Class I area.

(26) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects:

(a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(27) "Major emissions unit" means any emissions unit which has actual or allowable emissions of one hundred

tons per year or more of any pollutant regulated by state or federal law.

(28) "Major modification" means (a), (b), or (c) of this subsection, whichever is the most stringent:

(a) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause a net significant emissions increase for any pollutant regulated by state or federal law, except that a net significant emissions increase for any one of the following reasons shall not, in itself, cause the change to be a major modification:

(i) Use of an alternative fuel or raw material by reason of an order under Sections 2 (a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act; or

(ii) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act; or

(iii) Use of an alternative fuel or raw material that the source is capable of accommodating and was capable of accommodating prior to December 21, 1976, unless such change in fuel or raw material use is prohibited by a regulatory order; or

(iv) Use of an alternative fuel at a steam-generating unit to the extent that the fuel is generated from municipal solid waste; or

(v) An increase in the hours of operation or the production rate unless such increases are prohibited by a regulatory order.

(b) Any physical change or change in the method of operation of a major source, a source that would become a major source as a result of the proposed change, or a major emissions unit or an emissions unit that would become a major emissions unit as a result of the proposed change that is located in an area that is not in attainment for the pollutant under consideration or is located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, which change would cause the allowable emissions to be exceeded.

(c) Any reconstruction of a major source, or any reconstruction of a major emissions unit that is located in an area that is not in attainment for the pollutant under consideration or located in an area that is not in attainment for ozone and the pollutant under consideration is volatile organic compounds, for which reconstruction the fixed capital cost of the new components exceeds fifty percent of the fixed capital cost of a comparable entirely new source or emissions unit.

(29) "Major source" means any source which has actual or allowable emissions of one hundred tons per year or more of any pollutant regulated by state or federal law.

(30) "National emission standards for hazardous air pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61, as promulgated prior to January 1, 1983.

(31) "Natural conditions" include naturally occurring phenomenon that reduce visibility as measured in terms of visual range, contrast, or coloration.

(32) "Net emissions increase" means the amount by which the sum of the following exceeds zero:

(a) Any increase in actual emissions of a pollutant resulting from a physical change or change in method of operation of a specific emission unit in a source; and

(b) Any other increases or decreases in actual emissions of the same pollutant from the source that are contemporaneous with the change: PROVIDED, That

(i) Said other increases or decreases are contemporaneous with the change only if they occur at the same time or within one year prior to the change, or if said decrease(s) has been documented by an emission reduction credit; and

(ii) Said other decreases in emissions are creditable only to the extent that the old level of actual emissions or the old level of allowable emissions, whichever is the lesser, exceeds the new level of allowable emissions; and

(iii) Said other decreases in emissions are not creditable if the specific emissions unit is a major emissions unit and is located (A) in an area that is not in attainment for the pollutant or (B) in an area that is not in attainment for ozone and the pollutant is volatile organic compounds; and

(iv) The determination of net emissions increase shall be valid only after a regulatory order has been issued which establishes that the new emissions from every emissions unit involved in the determination are equal to the new allowable emissions expressed as weight of the pollutant per unit time.

(33) "New source" means a source which commences construction after the effective date of this chapter. Addition to, enlargement, modification, replacement, or any alteration of any process or source which may increase emissions or ambient air concentrations of any contaminant for which federal or state ambient or emission standards have been established shall be construed as construction or installation or establishment of a new source. In addition every major modification shall be construed as construction or installation or establishment of a new source.

(34) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60, as promulgated prior to January 1, 1983.

(35) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(36) "Notice of construction" means a ~~((document which makes application for permission))~~ written application to ((construct)) permit construction of a new source or ((to accomplish the)) modification of an existing source.

(37) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(38) "Particulate matter" or "particulates" means small discrete masses of liquid or solid, exclusive of uncombined water.

(39) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(40) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((40))~~ (41) "Prevention of significant deterioration (PSD)" means the federal regulations set forth in 40 CFR Subpart 52.21 as promulgated prior to July 1, 1982, and as modified by WAC 173-403-080.

~~((41))~~ (42) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

~~((42))~~ (43) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category may be adopted as an order or regulation after public involvement per WAC 173-403-110.

~~((43))~~ (44) "Regulatory order" means an order issued by the department or cognizant local authority to an air contaminant source which approves a notice of construction and/or limits emissions and/or establishes other air pollution control requirements.

~~((44))~~ (45) "Significant emission" means a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year	Pounds/Day	Pounds/Hour
Carbon monoxide	100		
Nitrogen oxides	40		
Sulfur dioxide	40	800	80
Volatile organic compounds	40		
Particulates	25	500	50
Lead	.6		
Total reduced sulfur (as H ₂ S)	10		
Total fluoride	3		

~~((45))~~ (46) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

~~((46))~~ (47) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, which are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related group of products.

~~((47))~~ (48) "Source category" means all sources of the same type or classification.

(49) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760mm (29.92 inches) of mercury.

~~((48))~~ (50) "Total reduced sulfur, (TRS)" means hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides present, expressed as hydrogen sulfide.

~~((49))~~ (51) "Visibility impairment" means any humanly perceptible change in visibility (visual range, contrast, coloration) from that which would have existed under natural conditions.

~~((50))~~ (52) "Visibility impairment of a Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

~~((51))~~ (53) "Volatile organic compound" means a hydrocarbon or derivative of hydrocarbon that has a vapor pressure greater than 0.1 millimeters of mercury at 20 degrees C, except the following excluded compounds: Methane, ethane, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane, chloropentafluoroethane, methylene chloride, and 1,1,1-trichloroethane (methyl chloroform).

AMENDATORY SECTION (Amending Order 84-27, filed 10/19/84)

WAC 173-403-050 NEW SOURCE REVIEW (NSR). (1) Applicability.

(a) A notice of construction must be filed with the department or cognizant local authority prior to the construction, installation, or establishment of a new source, if the source is in a category that is required to submit to new source review per applicable regulation of the said authority.

(b) The department or cognizant local authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(2) Additional information. Within thirty days of receipt of a notice of construction, the department or cognizant local authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit

volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the department or cognizant local authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing source(s). Arrangements for such offsetting reduction(s) of actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provided the offset. The said orders shall include new allowable emissions limits for all the affected sources.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such

person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act.

(4) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the department or cognizant local authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The project will use best available control technology (BACT) for emissions control.

(c) ~~((If the new source is a major source the source shall meet all the requirements of prevention of significant deterioration regulations under WAC 173-403-080, in Washington and any adjacent state.~~

(d)) The allowable emissions from the proposed new facility will not delay the attainment date for an area not in attainment. This requirement will be considered to be met if the impact at any location within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m ³	-	2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³	-	-	-
SO ₂	1.0 ug/m ³	5 ug/m ³	-	25 ug/m ³	30 ug/m ³

~~((e) If the new source is a major source, the source shall undergo an impact analysis for visibility impairment with respect to all areas in Washington and any adjacent state that are mandatory Class I areas per 40 CFR 52.21 (c). The impact analysis shall consist of the following procedures:~~

(i) ~~If the land manager has officially designated visibility as an important attribute of any mandatory Class I area, the owner or operator of the proposed new source shall demonstrate that the potential to emit any pollutant at a significant emission rate, in conjunction with the emissions from any other new source permitted since January 1982, shall not cause or contribute to significant visibility impairment of the Class I area.~~

(ii) ~~Upon application for a notice of construction, the department shall notify the land manager of any potentially affected mandatory Class I area. Such notification must be made in writing and include a copy of all information relevant to the application, including the information developed for (c) of this subsection. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.~~

(iii) ~~All estimates of visibility impacts required under this section shall be based on the models on file with the~~

~~department. Equivalent models may be substituted if approved by the department or EPA.~~

~~(iv) The results of the analysis must be sent to the affected land manager(s). The land manager(s) in the affected mandatory Class I area(s) will review the results. Frequency and time of impact, duration, geographic extent, and intensity of the predicted impairment would also be considered in this step. The land manager(s) may demonstrate within thirty days following their receipt of the source's visibility impact analysis that adverse impact on visibility in the Class I area would result.~~

~~If the department concurs with the demonstration, the notice of construction for the proposed source will not be approved unless or until mitigating measures are developed. If the department feels a land manager's demonstration is not adequate, the department will determine whether significant impairment of a mandatory Class I area would result. If the department determines it would, approval for the proposed source will not be issued unless or until mitigating measures are developed.~~

~~The land manager(s) or department may also demonstrate that the proposed source would cause impairment of any integral vista officially designated at least six months prior to the proposed source's submission of a complete application. In determining whether a source should be controlled to protect an integral vista, the department may take into account the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.~~

~~(v) The department may require preconstruction and/or post-construction visibility monitoring at the proposed site or potentially affected area as part of the applicable regulatory order.~~

~~(f)) (d) The proposed new source will not cause a violation of any ambient air quality standard.~~

~~((g)) (e) An offsetting emissions reduction, ((issued per)) that satisfies the requirements of WAC 173-403-050 (3)(e), may be used to satisfy the requirements of ((c), (d), (e), or (f) of this subsection,)) WAC 173-403-050 (4)(c) and (d) and WAC 173-403-050 (9) if required.~~

(5) Preliminary determination. Within thirty days after receipt of all information required, the department or cognizant local authority shall:

(a) Make preliminary determinations on the matters set forth in ((WAC 173-403-050)) subsection (3) ((or)), (4), or (9) of this section whichever is applicable, and

(b) Initiate compliance with the provisions of WAC 173-403-110 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received including public comment, the department or cognizant local authority finds that all the conditions in ((WAC 173-403-050)) subsection (3) ((or)), (4), or (9) of this section are satisfied, whichever is applicable, the authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

(7) Portable sources. For portable sources which locate temporarily at particular sites, the owner or operator shall be allowed to operate at the temporary location

without filing a notice of construction, providing that the owner or operator notifies the department or cognizant local authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable the department or cognizant local authority to determine that the operation will comply with the emission standards for a new source, will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time, but in no case longer than one year, and the department or cognizant local authority may set specific conditions for operation during said period. A temporary source shall be required to comply with all applicable emission standards.

(8) Commencement of construction. The owner or operator of the new source shall not commence construction until the applicable notice of construction has been approved.

(9) Visibility requirements. Any new major source or new major modification shall evaluate the visibility impairment per 40 CFR 52.21(e) for all Class I areas in Washington and neighboring states. The evaluation shall comply with the following:

(a) When the land manager has officially designated visibility to be an important attribute, the owner or operator of the new source shall demonstrate that the potential emissions in combination with emissions from all other sources permitted after January 1, 1982, shall not cause or contribute to a significant visibility impairment.

(b) The department shall upon receipt of an application for a notice of construction notify the land managers of potentially affected areas. Notification shall be in writing and include a copy of all information relevant to the application including the information developed for this section. This information shall be transmitted to the land manager within thirty days of receipt of the application and at least sixty days prior to public hearing on the application for permit to construct.

(c) All evaluations of visibility impairment required under this section shall use the models on file with the department or equivalent models approved by the department or EPA.

(d) The results of the evaluation shall be sent to the land manager of the affected areas for their review and recommendation. The review shall consider the degree of visibility impairment, duration, geographic extent, frequency, and time. The recommendation of the land managers concerning adverse impact on visibility shall be sent to the department within thirty days of receipt of the evaluation results.

(e) Should the department concur with the recommendation of the land manager then the notice of construction shall be approved or disapproved according to the recommendation. The department may find the review of a land manager inadequate and make its own determination. A finding of significant visibility impairment shall require a disapproval of the notice of construction, unless sufficient mitigating measures are developed.

(f) The department or land managers may demonstrate that the new source would cause impairment of an integral vista officially designated at least six months before the new source submitted a complete application. The protection of an integral vista by controls on the source shall consider the time necessary for compliance, the energy and nonair quality environmental effects of compliance and the productive life of the source.

(g) The department may require visibility monitoring at the site of the new source or potentially affected areas as a part of the applicable regulatory order. The monitoring period may be before or after construction or both.

AMENDATORY SECTION (Amending Order 84-27, filed 10/19/84)

WAC 173-403-070 ISSUANCE OF EMISSION REDUCTION CREDITS. (1) Applicability. The owner or operator of any source may apply to the department or cognizant local authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions unit(s) involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished, except that within one hundred eighty days after the adoption of this regulation, an ERC application may be made for an emission reduction which took place between April 1, 1980, and the date of adoption of this regulation.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the department or cognizant local authority.

(a) The quantity of emissions in the ERC shall be less than the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown or equipment, specified control practices, etc.

(c) The ERC must be large enough so as to be readily quantifiable in relation to the source strength of the emissions unit(s) involved, but in no case shall the ERC be for less than one ton per year.

(d) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-403-050 (3)(e), nor as part of a bubble transaction under WAC 173-403-060, nor to satisfy NSPS, BACT, or LAER.

(e) Concurrently with or prior to the authorization of an ERC, the applicant shall receive (have received) a regulatory order that establishes total allowable emissions from the source of the contaminant for which the ERC is requested, expressed as weight of contaminant

per unit time. The new allowable emissions shall be considered RACT.

(f) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, the department or cognizant local authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all the required information has been received, the department or cognizant local authority shall approve or deny the application, based on a finding that conditions in subsection (3) (a) through (e) of this section have been satisfied or not. If the application is approved, the department or cognizant local authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the proposed new allowable emission rate(s) claimed in the ERC application, expressed as weight of pollutant per unit time. The regulatory order or equivalent document must include all requirements that are necessary to provide such assurance. If the ERC depends in whole or in part upon the shutdown or equipment, the regulatory order or equivalent document must prohibit the startup of the affected equipment; and,

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminant(s) involved, the nonattainment area involved, if applicable, and the person to whom the certificate is issued.

AMENDATORY SECTION (Amending Order 84-27, filed 10/19/84)

WAC 173-403-080 PREVENTION OF SIGNIFICANT DETERIORATION (PSD). Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, (~~1982~~) 1981, are herein incorporated by reference with the following additions and modifications:

(1) Construction of "administrator." In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l)(2), air quality models, and (t), disputed permits or redesignations, the word "administrator" shall be construed in its original meaning. In all other cases, the word "administrator" shall be construed to mean the director of the department.

(2) Contemporaneous. Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs at the same time or within one year prior to the change, or if a decrease has been documented by an emission reduction credit."

(3) Public participation. Subpart 40 CFR 51.24(q) public participation, as in effect July 1, (~~1982~~) 1981, is hereby incorporated by reference, with the following modifications:

(a) In 40 CFR 51.24(q)(2)(iv), the word "administrator" shall be construed in its original meaning.

(b) In 40 CFR 51.24(q)(1), the phrase "specified time period" shall mean thirty days.

(4) List of Class I areas. The following areas are the Class I areas in Washington state as of January 1, 1983:

Mount Rainier National Park
North Cascade National Park
Olympic National Park
Alpine Lakes Wilderness Area
Glacier Peak Wilderness Area
Goat Rocks Wilderness Area
Mount Adams Wilderness Area
Pasayten Wilderness Area.

WSR 85-07-012

PROPOSED RULES

WASHINGTON STATE UNIVERSITY

[Filed March 11, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the board of regents, Washington State University, intends to adopt, amend, or repeal rules concerning:

Rep WAC 504-17-190 Parking permit fees.
New WAC 504-17-185 Parking permit fees;

that the institution will at 4:00 p.m., Tuesday, April 23, 1985, in the Safety Building, Room 33, Washington State University, Pullman, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 11, 1985.

The authority under which these rules are proposed is RCW 28B.30.125, 28B.10.150 [28B.30.150], 28B.15.031 and 28B.10.560.

The specific statute these rules are intended to implement is RCW 28B.10.560.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 23, 1985.

Dated: March 6, 1985

By: G. A. Hartford, Jr.

Vice President—Business and Finance

STATEMENT OF PURPOSE

Purpose of the Rule Change: To improve the ability of the board of regents of Washington State University to set parking permit fees on campus.

Reason this Rule is Necessary: The lack of flexibility of the board of regents in setting parking fees.

Statutory Authority: RCW 28B.10.560.

Summary of Rule Change: Will allow the board of regents to consider monetary levels of parking permit fees and establish such levels periodically.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: John Shaheen, Director of Parking Services, Safety Division, Safety Building, Washington State University, Pullman, Washington 99164-7300.

Rule Proposed by: Division of Safety, Washington State University, an institution of higher education and an agency of the state of Washington.

NEW SECTION

WAC 504-17-185 PARKING PERMIT FEES. (1) Handicap permits will be issued free of charge to those who have their vehicle identified with a state handicapped license plate or other indicator in accordance with RCW 46.16.380.

(2) Schedules for parking fees, parking administrative fees, meter rates, pro-rate and refund schedules and the effective date thereof will be submitted to the president or his designee and to the Board of Regents for approval by motion and will thereafter be available in the public area of the Parking Services Office.

(3) Refunds in accordance with the refund schedule may be made for purchased permits upon application by the permit holder of record or upon revocation by the Parking Manager. Unpaid citation fines will be deducted from any refund.

(a) The permit holder must surrender the permit to the parking services office before a refund is authorized, a payroll deduction is terminated, or a replacement decal is issued.

(4) Full-time facility and staff have the option of paying for parking through payroll deduction.

(5) The proper fee must be paid for all vehicles parked in metered lots unless otherwise authorized.

(6) Staff members whose work hours qualify them for night time differential pay may purchase a permit for one half the regular fee.

(7) Fees for visitor permits may be waived for qualified visitors who, without compensation, volunteer their services to the university (e.g., reading for the blind).

WSR 85-07-013
NOTICE OF PUBLIC MEETINGS
HOSPITAL COMMISSION
[Memorandum—March 8, 1985]

The State Hospital Commission will meet in Seattle at the Vance Airport Inn, Seattle, on Thursday, March 28, 1985, 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 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 April 11, 1985, at the Vance Airport Inn and April 25, 1985, at the Seattle Airport Hilton.

WSR 85-07-014
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
[Memorandum—March 6, 1985]

The Seattle Community College District VI board of trustees will hold a special meeting in April. This meeting, which was scheduled as a regular meeting for Monday, April 1, 1985, has been changed to Monday, April 8, 1985.

WSR 85-07-015
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
[Memorandum—March 6, 1985]

A special meeting of the board of trustees, Seattle Community College District VI, will be held on Monday, March 18, 1985, at 4:00 p.m., in the District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119.

WSR 85-07-016
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY
COLLEGE DISTRICT
[Memorandum—March 11, 1985]

Special Meeting of the Board of Trustees

Seattle Community College District March 18, 1985
300 Elliott Avenue West
Seattle, WA 98119 4:00 p.m.

The next regularly scheduled meeting of the Seattle Community College District board of trustees has been changed from Monday, April 1, 1985, to Monday, April 8, 1985. This will be a special meeting, to be held at South Seattle Community College, 6000 16th Avenue S.W., Seattle, WA 98106, at 6:30 p.m.

WSR 85-07-017
ADOPTED RULES
DEPARTMENT OF CORRECTIONS
[Order 85-04—Filed March 11, 1985]

I, Amos E. Reed, director of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 137-70-060 Billing procedure.
- Amd WAC 137-70-070 Department review committee.

This action is taken pursuant to Notice No. WSR 85-03-103 filed with the code reviser on January 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.72.040 which directs that the secretary of the Department of Corrections has authority to implement the provisions of chapter 72.72 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 March 11, 1985.

By Amos E. Reed
Secretary

AMENDATORY SECTION (Amending Order 84-06, filed 5/14/84)

WAC 137-70-060 BILLING PROCEDURE. (1) All requests for reimbursement under this chapter must be submitted on a standard Washington State Invoice Voucher Form, A-19, in triplicate, (~~signed by the political subdivisions responsible fiscal officer,~~) showing the total reimbursement requested, accompanied by a completed request for reimbursement form issued by the department. The vouchers and form should be mailed or delivered to the Department of Corrections, Division of Management and Budget, Office of Contracts and Regulations, P.O. Box 9699, FN-61, Olympia, Washington 98504.

(2) ~~((All requests for criminal justice cost reimbursement must be accompanied by a narrative explanation of all costs incurred. This narrative must include at least the following information:~~

~~(a) Full name and DOC identification number of inmate;~~

~~(b) Institution to which the inmate is assigned or from which he/she escaped;~~

~~(c) Incident requiring the political subdivision's assistance, i.e. escape, investigation and dates;~~

~~(d) Costs incurred broken down into the categories of reimbursable costs allowed in WAC 137-70-040 and hourly rate used;~~

~~(e) Admission and release dates if applicable;~~

~~(f) Other supporting information or documentation.~~

(3) ~~All requests for contingency plan expense reimbursement must be accompanied by a narrative explanation of all expenses incurred. This narrative must include at least the following information:~~

~~(a) Names and titles of personnel providing assistance during a disturbance covered by a contingency plan, the dates and hours served in such capacity by such personnel, and their salaries or rates of pay;~~

~~(b) If the claim is for reimbursement of costs incurred under chapter 41.26 RCW, a description of the nature of the physical injury sustained and a description of the location where and the circumstances under which it was sustained;~~

~~(c) With respect to material provided in carrying out a contingency plan, (i) its acquisition cost, if acquired solely for use in carrying out the contingency plan and no other purpose; (ii) its market value both before and after the disturbance for which it was provided, if it suffered damage beyond normal wear and tear during the disturbance; and (iii) its market value at the time of its loss or destruction, if lost or destroyed during the disturbance for which it was provided;~~

~~(d) A description of other expenses, incurred in carrying out the contingency plan;~~

~~(e) Such other documentation and information necessary to support the claim)) The department may require the requesting political subdivision to submit such other documentation and information the department deems necessary to further support or explain the request.~~

AMENDATORY SECTION (Amending Order 84-06, filed 5/14/84)

WAC 137-70-070 DEPARTMENT REVIEW COMMITTEE. (1) All requests for reimbursement shall be reviewed by a department committee composed of the following individuals or their designees:

(a) Deputy secretary;

(b) Director, division of management and budget;

(c) Director, division of community services;

(d) Director, division of prisons;

~~((d))~~ (e) Contracts and regulations administrator;

~~((e))~~ (f) Capital programs administrator; and the

~~((f))~~ (g) Senior assistant attorney general assigned to the department.

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

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

WSR 85-07-018

PROPOSED RULES

UTILITIES AND TRANSPORTATION
COMMISSION

[Filed March 13, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to motor carriers insurance, WAC 480-12-350. The proposed amendatory section is shown below as Appendix A, Cause No. TV-1871. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendment on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rules amended on an emergency basis on March 13, 1985, General Order No. R-225, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, April 24, 1985, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 80.01.040.

The specific statute these rules are intended to implement is RCW 81.80.190.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 19, 1985.

Dated: March 13, 1985

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-12-350 relating to motor carriers insurance.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 81.80.190 which direct that the commission has authority to implement the provisions of chapter RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to require taxicabs with permits issued under chapter 81.80 RCW to meet the insurance requirements of RCW 46.72.040 and 46.72.050 and file proof of same.

Paul Curl, Acting Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington, telephone number (206) 753-6420, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-218, Cause No. TV-1804, filed 9/6/84)

WAC 480-12-350 INSURANCE. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80-.010 used or to be used under the permit granted, in the amount shown on the following table:

Commodity Transported	July 1 1983	January 1 1985
(1) Property (nonhazardous)	\$ 500,000	\$ 750,000
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000

Commodity Transported	July 1 1983	January 1 1985
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

The above amounts do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of express service under a permit issued pursuant to chapter 81.80 RCW: PROVIDED, That such carrier is in compliance with the provisions of RCW 46.72-.040 and 46.72.050. Such carrier must also comply with the reporting requirements set forth in this section.

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance." (Form E) filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: PROVIDED, The requirements set forth above are in effect.

**WSR 85-07-019
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-225, Cause No. TV-1871—Filed March 13, 1985]

In the matter of amending WAC 480-12-350 relating to motor carriers insurance.

The Washington Utilities and Transportation Commission finds 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 the public interest. A statement of the facts constituting such emergency is that the taxicabs of which the commission regulates only package (express) service under a certificate issued under chapter 81.80 RCW need not be treated the same for insurance requirements as, for example, line haul carriers. Such taxicabs are required to maintain insurance coverages specified in RCW 46.72-.040 and 46.72.050. Since these coverages are reasonable, it is wasteful to require compliance with existing commission standards. Emergency rulemaking is therefore warranted.

This rule amendment is being promulgated pursuant to RCW 80.01.040 and 81.80.190.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

This amendment to WAC 480-12-350 affects no economic values. It will have no impact on filing requirements, but will reduce the cost of insurance for affected carriers, since it will require lower coverages.

In reviewing the entire record herein, it has been determined that WAC 480-12-350 should be amended, to read as set forth in Appendix A shown below and made a part hereof by this reference. WAC 480-12-350 as amended, will require taxicabs with permits issued under chapter 81.80 RCW to meet the insurance requirements of RCW 46.72.040 and 46.72.050 and file proof of same.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-12-350 as set forth in Appendix A, be amended, as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 13th day of March, 1985.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-218, Cause No. TV-1804, filed 9/6/84)

WAC 480-12-350 INSURANCE. Within ten days after the date an applicant is notified his application has been granted, and before permit shall be issued, the applicant shall file with the commission evidence of liability and property damage insurance having been written by a company authorized to write such insurance in the state of Washington, covering each motor vehicle as defined in RCW 81.80.010 used or to be used under the permit granted, in the amount shown on the following table:

Commodity Transported	July 1 1983	January 1 1985
(1) Property (nonhazardous)	\$ 500,000	\$ 750,000
(2) Hazardous substances, as defined in 49 CFR 171.8 transported in cargo tanks, portable tanks, or hopper-type vehicles with capacities in excess of 3,500 water gallons; or in bulk Class A or B explosives, poison gas (Poison A), liquified compressed gas or compressed gas; or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000
(3) Oil listed in 49 CFR 172.101; hazardous waste, hazardous materials and hazardous substances defined in 49 CFR 171.8 and listed in 49 CFR 172.101, but not mentioned in (2) above or (4) below.	500,000	1,000,000

Commodity Transported	July 1 1983	January 1 1985
(4) Any quantity of Class A or B explosives; any quantity of poison gas (Poison A); or highway route controlled quantity radioactive materials as defined in 49 CFR 173.455.	1,000,000	5,000,000

The above amounts do not apply to taxicabs whose only operation subject to commission jurisdiction is the operation of express service under a permit issued pursuant to chapter 81.80 RCW: PROVIDED, That such carrier is in compliance with the provisions of RCW 46.72.040 and 46.72.050. Such carrier must also comply with the reporting requirements set forth in this section.

Applications for permits to operate as temporary common carriers or temporary contract carriers shall be accompanied by evidence of insurance coverage as required herein.

Failure to file and keep such insurance in full force and effect shall be cause for dismissal of an application or cancellation of a permit.

Evidence of insurance shall be submitted on a "uniform motor carrier bodily injury and property damage liability certificate of insurance," (Form E) filed in triplicate with the commission. Insurance presently on file for existing permit holders shall be sufficient: PROVIDED, The requirements set forth above are in effect.

WSR 85-07-020
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2215—Filed March 13, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Standards—Eligibility, amending chapter 388-29 WAC.

This action is taken pursuant to Notice No. WSR 85-03-054 filed with the code reviser on January 14, 1985. 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 March 12, 1985.

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

NEW SECTION

WAC 388-29-001 DEFINITIONS. (1) "Assistance unit" means a person or members of a family eligible to be included in a single categorical grant.

(2) "Board and room" means a living arrangement in which an individual purchases their food, shelter, and household maintenance requirements from a single vendor.

(3) "Boarding home" means any place where one or more persons purchases their food, shelter, and household maintenance requirements from a single vendor.

(4) "Consolidated standards of need" means combining individual requirement amounts into a single dollar value.

(5) "Household maintenance" means the requirements for space heating, water heating, cooking, lights, refrigeration, household supplies, garbage pickup, sewage disposal, and water.

(6) "Life estate" means the right to use property for the duration of a specific person's life time.

(7) "Living in own home" means a living arrangement not involving boarding and rooming or care in a hospital, nursing home, or another institution.

(8) "Maximum" means no incremental increase in the payment standard for additional members of an assistance unit beyond a designated size.

(9) "Medical institution" means an institution where professional personnel provide medical, nursing, or convalescent care.

(10) "Need" means the difference between the payment standard and the applicant's or recipient's available income, if any.

(11) "Payment standard" means the amount to which the applicant's or recipient's available income and resources are compared in determining financial eligibility.

(12) "Rateable reduction" means the percentage difference between the need standard and the payment standard.

(13) "Requirement" means an item or service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential to some clients under specified conditions.

(b) "Basic requirements" means food, clothing, shelter, transportation, household maintenance, personal maintenance, and necessary incidentals.

(14) "Standards of need" or "need standard" means the income required by an applicant or recipient to maintain a minimum and adequate level of living.

(15) "Supplied shelter" or "shared living" means housing is furnished to the applicant or recipient without cost or work on their part.

NEW SECTION

WAC 388-29-005 FAIR HEARING. An applicant or recipient aggrieved by a decision made by the department and based upon the rules in this chapter can request a fair hearing as provided for in chapter 388-08 WAC.

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

WAC 388-29-010 STANDARDS ~~((FOR RE-
QUIREMENTS PERSON IN OWN HOME))~~ OF ASSISTANCE. (See RCW 74.04.770)

(1) The public assistance law directs the department to establish a standard for use in determining whether or not an applicant needs money and if so how much he or she needs.

(2) The law specifies that grants shall be awarded on a state-wide basis in accordance with standards of assistance established by the department and may vary by geographical areas.

(3) ~~((a))~~ The law requires that the secretary establish consolidated standards of assistance each ~~((biennium, and))~~ fiscal year.

~~((b))~~ (4) State supplements for supplemental security income recipients shall be no less than the levels specified in 42 U.S.C. Section 1618.

~~((4))~~ (5) The department may prescribe grant maximums and ~~((prescribe))~~ rateable reductions ~~((for grants))~~.

~~((5))~~ (6) The amount of the grant which is given is the difference between the ~~((monthly))~~ dollar value of the monthly payment standard adjusted for the maximum grant limitation when in effect, and the resource value or income which the applicant or recipient possesses, or can obtain.

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-020 STANDARDS OF ASSISTANCE—FAMILY RELATIONSHIPS. (1) The law specifies who is eligible to receive assistance in ~~((his))~~ his or her own right. The law does not always specify, except in general terms, which other persons may be included in the grant made to the primary person. The department, therefore, defines those who in addition to the primary person may have their requirements computed with the requirements of the primary applicant. Such family groupings are called "assistance units." The persons whose needs are included in the need of the primary applicant are those for whose support the applicant is legally responsible.

(2) ~~((Groupings (units) used in computing the requirements of individual members of assistance units are shown in WAC 388-29-025 through 388-29-100))~~ If an individual is receiving benefits under Title XVI of the Social Security Act, such individual shall not be regarded as a member of a family or assistance unit for purposes of determining eligibility and amount of an aid to families with dependent children grant.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-080 ~~((MONTHLY COST OF))~~ STANDARDS OF ASSISTANCE—BASIC REQUIREMENTS~~((=MAXIMUMS PERSON IN OWN HOME PERSON IN MEDICAL INSTITUTION))~~. (1) The standards for basic requirements ~~((in~~

~~WAC 388-29-100~~) apply to a person in his or her own home.

~~(2) The standards ((in WAC 388-29-150 through 388-29-230 are)) for additional requirements ((for)) apply to persons with circumstances ((as)) specified in this chapter.~~

~~((2)) (3) Individuals ((in)) eligible for an AFDC or ((continuing GA)) general assistance ((unit)) grant shall be provided the basic requirements.~~

~~((3)) (4) ((Basic requirements for a person in his or her own home are food, clothing, personal maintenance and necessary incidentals, shelter, household maintenance, and energy.)) The monthly payment standard and maximums thereto, if in effect, are based upon the number of recipients in the assistance unit.~~

~~((4)) (5) When a person is in a medical institution, basic requirements of food, shelter, and household maintenance are not computed in the grant but are paid as a medical care cost.~~

~~((5)) (6) ((The monetary allowance for the basic requirements, as determined by the standards in WAC 388-29-100, shall be reduced to the amounts in WAC 388-29-110 when maximum amounts are in effect)) When two or more assistance units share a common dwelling, the monthly standard for each is based upon the number of members of that assistance unit.~~

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

~~WAC 388-29-100 ((MONTHLY)) STANDARDS OF ASSISTANCE--((AFDC AND CONTINUING GENERAL ASSISTANCE)) BASIC REQUIREMENTS.~~ (1) Effective July 1, 1984, the state-wide monthly need standards for ~~((food, clothing, personal maintenance, and necessary incidentals, household maintenance, shelter, and transportation for those owning (including life estate), buying, or renting an apartment or house))~~ basic requirements are:

(a) Household with shelter costs.

Recipients in Household	Need Standard
1	\$ 491
2	621
3	768
4	904
5	((1,008)) 1,041
6	1,182
7	1,365
8	1,511
9	1,659
10 or more	1,803

(b) Household with supplied shelter.

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

Recipients in Household	Need Standard
1	\$ 181
2	263
3	348
4	433
5	518
6	603
7	688
8	773
9	858
10 or more	943

(2) Effective November 1, 1984, one hundred eighty-five percent of the state-wide monthly need standard for basic requirements is:

(a) Household with shelter costs.

Recipients in Household	185% of Need Standard
1	\$ 908
2	1,149
3	1,421
4	1,672
5	1,926
6	2,187
7	2,525
8	2,795
9	3,069
10 or more	3,336

(b) Household with supplied shelter.

Recipients in Household	185% of Need Standard
1	\$ 335
2	487
3	644
4	801
5	958
6	1,116
7	1,273
8	1,430
9	1,587
10 or more	1,745

(3) Effective July 1, 1984, the state-wide monthly payment standard reflecting a rateable reduction of 37.9 percent of the need standards shall be:

(a) Household with shelter costs.

Recipients in Household	Payment Standard
1	\$ 304
2	385
3	476
4	561
5	646
6	731
7	847
8	936

Recipients in Household	Payment Standard
9	1,028
10 or more	1,117

(b) Household with supplied shelter.

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

Recipients in Household	Payment Standard
1	\$ 181
2	263
3	348
4	433
5	518
6	603
7	688
8	773
9	858
10 or more	943

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

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-110 STANDARDS OF ASSISTANCE—GRANT MAXIMUMS ~~((TO MONTHLY STANDARDS))~~. (1) Grants to families of eight or more shall not exceed the following maximums. In computing the grant amount, nonexempt income (and resources; general assistance only) available to meet need shall be deducted from the monthly payment standard specified in ~~((WAC 388-29-100))~~ this chapter.

(2) Effective July 1, 1984, the maximum is:

Number in household	Maximum
8 or more	\$ 936

~~((Maximums \$ 936))~~

~~((2) This rule is effective July 1, 1984.))~~

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

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

(1) ((Number in household)) <u>Recipients in Household</u>	<u>Maximum Grant</u>
1	\$ 304
2	385
3	476
4	561
5	646
6	731
7	847
8 or more	936

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

	1	2	3	4	5	6	7	8 (or more)
Food	\$166	\$210	\$260	\$306	\$352	\$400	\$462	\$511
Shelter	186	235	291	342	394	447	516	571
Clothing	22	27	34	40	46	52	60	67
Minor Medical	128	162	201	236	272	308	356	394
Utilities	43	55	68	80	92	105	121	134
Household Maint.	54	69	85	100	115	131	151	167

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

(3) These standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-125 ((COST)) STANDARDS ((FOR REQUIREMENTS)) OF ASSISTANCE—PERSONS IN MEDICAL INSTITUTIONS. ~~((+))~~ Effective July 1, 1984, the monthly ~~((cost))~~ standard for clothing, personal maintenance, and necessary incidentals for ~~((a))~~ an eligible person ~~((eligible for AFDC, Supplemental Security Income, or the "H" medical care program who is))~~ in a skilled nursing home, a public nursing home, a general or tuberculosis hospital, or an intermediate care facility shall be thirty-five dollars and fifty-five cents.

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

~~((3) These standards are effective July 1, 1984.))~~

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

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

- (2) Regular rates
 - (a) 1-15 beds, existing facilities \$19.09/day

(b) 1-15 beds, new facilities	16.80/day
(c) 16 or more beds	16.80/day
(3) Mental health	
(a) 1-15 beds, existing facilities	\$21.99/day
(b) ((16 or more beds)) 1-15 beds, new facilities	19.70/day
(c) ((New small facilities)) 16 or more beds	19.70/day
(4) Intensive alcohol treatment	
(a) Board and room	\$16.80/day
(b) Treatment, 1-15 beds	28.42/day
(c) Treatment, 16 or more beds	21.31/day
(5) Long-term inpatient alcohol treatment	\$19.70/day
(6) Alcohol recovery house	
(a) 1-15 beds	\$24.65/day
(b) 16 or more beds	19.70/day
(7) Residential drug treatment	
(a) 1-15 beds	\$21.75/day
(b) 16 or more beds	16.80/day
(8) COPES add-ons	
(a) Three hours	\$ 3.61/day
(b) Four hours	4.41/day
(c) Five hours	5.20/day

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

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

(11) These standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-145 ~~((MONTHLY))~~ STANDARDS ((FOR BASIC REQUIREMENTS)) OF ASSISTANCE—AFDC—CHILD IN NEED OF SPECIALIZED EDUCATION OR TRAINING. (1) A child attending school under temporary absence provisions according to chapter 388-24 WAC ~~((388-24-125(3)(b)))~~ is eligible for clothing, personal maintenance, and necessary incidentals only.

(2) Effective July 1, 1984, the monthly standard shall be thirty-five dollars and fifty-five cents.

(3) The child shall not be included as a member of the household in computing the requirements for the household.

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

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-146 ~~((MONTHLY))~~ STANDARDS ((FOR BASIC REQUIREMENTS)) OF ASSISTANCE—FOSTER CARE. (1) The monthly standard for a foster care ~~((children))~~ child under twelve is thirty-nine dollars and five cents.

(2) The monthly standard for a foster care ~~((children))~~ child twelve and over is forty-two dollars and ninety cents.

(3) ~~((Those))~~ These standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 1355, filed 11/3/78)

WAC 388-29-150 ~~((FOR))~~ STANDARDS OF ASSISTANCE—ADDITIONAL REQUIREMENTS ((UNDER SPECIFIED CIRCUMSTANCES)). (1) Additional requirements ~~((under specified circumstances shall be handled as follows, except for the additional requirements for emergent situations in AFDC, which are set forth in WAC 388-29-270))~~ are provided under the circumstances and limitations specified in this chapter.

~~((1) The basic requirements provide the majority of eligible persons with all essential items of maintenance. Some persons, however, have particular needs of an essential nature which cannot be met within the basic requirements. For this reason))~~

(2) The department's standards provide for certain additional requirements when the individual's circumstances are such that the item~~((s))~~ is essential in accordance with the ~~((criteria herein))~~ established criteria. The need of these items must be verified in each case where any are included. When the requirement is ongoing, it is added to the ~~((adjusted))~~ basic requirements of the ~~((appropriate))~~ assistance unit.

~~((2))~~ (3) The circumstances which give rise to an additional requirement may regularly recur or be nonrecurring depending on the nature of the item. In determining whether an additional requirement exists, the total case situation shall be taken into account, i.e., the changes which have occurred in health or living conditions and, if the problem is not new, how it was met in the past.

~~((3) The reasons for including an additional item, i.e., factual findings supporting the need (or continuing need) for the requirement inconsistent with the criteria herein, shall be recorded in the case narrative.))~~

(4) A plan for periodically reviewing the necessity for continuing the allowance for an ongoing additional requirement shall be established in each case, taking into account the change in the individual's living arrangements, health, and any other factor which has a bearing on the need for the item.

(5) The need for any ongoing additional requirement must be reestablished as often as the case plan indicates, but at least semiannually, except where it is established ~~((that))~~ there is a continuing need that is likely not subject to change.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

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

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

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

(2) Effective November 1, 1984, the monthly ((additional requirement)) standard for restaurant meals shall be one hundred ((sixty-two)) sixty-three dollars ((and fifty cents, or five dollars and thirty-five cents per day.

~~((3) These standards are effective July 1, 1984)).~~

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

WAC 388-29-180 ADDITIONAL REQUIREMENTS—HOME-DELIVERED MEALS (MEALS-ON-WHEELS). (1) For some recipients who cannot be expected to prepare all of their own meals, prepared and home-delivered meals may be available.

(2) ~~((Where a CSO approved home delivery service of prepared meals is available recipients who need and would benefit from such service should be encouraged, authorized, and assisted, if necessary, to obtain it.~~

~~((3) Standards and))~~ Criteria used to authorize the service are as follows:

(a) The recipient requires help in preparation of some ~~((of his))~~ meals and would benefit nutritionally or otherwise from home-delivered meals,

(b) Such help is not reasonably available without cost to the recipient,

(c) Board (or board and room) is not available, feasible, or ~~((possible))~~ is costlier for the recipient~~((;))~~.

~~((4))~~ (3) When a plan for use of this service is approved ((by the CSO)), the ((cost)) monthly standard ((to be used for the total food requirement of the recipient using the service)) shall be established by the department~~((s office of budget and program analysis at the CSO's request))~~.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-200 ~~((STANDARDS FOR))~~ ADDITIONAL REQUIREMENTS ((UNDER SPECIFIED CIRCUMSTANCES))—FOOD FOR GUIDE DOG.

(1) The cost of food for a guide dog shall be an additional requirement when an applicant ~~((for SSI))~~ or ~~((an assistance grant))~~ recipient has a guide dog assigned to him or her by an accredited guide dog organization.

(2) Effective November 1, 1984, the monthly standard for food for a guide dog shall be ((thirty-one)) thirty-two dollars ((and eighty-five cents.

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

AMENDATORY SECTION (Amending Order 1241, filed 9/23/77)

WAC 388-29-210 ADDITIONAL REQUIREMENTS—TELEPHONE. (1) Telephone service is an additional requirement only when the lack of a telephone would endanger life or make a more expensive type of care necessary. Telephone service is not allowed when the function of a telephone can be performed by other means, including the help of neighbors, relatives, or other community service.

(2) The monthly standard for telephone is the minimum residential rate available in the area for the service.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

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

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

(b) He or she has no one able to perform this service for him or her.

(2) Effective November 1, 1984, the monthly ((cost)) standard for laundry shall be ((eight)) nine dollars ((and eighty cents)).

~~((3) These standards are effective July 1, 1984.))~~

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

WAC 388-29-230 ADDITIONAL REQUIREMENTS—WINTERIZING HOMES—AFDC. (1) Repairs ~~((of))~~ to homes owned or being purchased by AFDC recipients~~((, to a maximum of five hundred dollars for any one home.))~~ are an additional requirement under the following circumstances:

(a) The primary purpose of the repairs is to minimize heat loss or otherwise increase the efficiency of the home heating system~~((;))~~;

(b) The repairs are necessary to render the home habitable~~((;))~~;

(c) Lack of repairs would require the assistance unit to move to rental quarters~~((;))~~;

(d) The rental costs expended by the assistance unit over a period of two years would exceed the costs, including repairs, attributable to continued occupancy of the home~~((;))~~; and

(e) No expenditures for repair of the home have been made previously under the policies outlined in ~~((subdivisions))~~ subsection (1)(a) through (d) of this ~~((subsection))~~ section.

(2) All expenditures for repairs shall be paid by vendor payments when there is sufficient recorded evidence that the home repair was performed.

(3) The maximum allowance for winterizing a home is five hundred dollars.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-260 ~~((REQUIREMENTS OF))~~ STANDARDS OF ASSISTANCE—PERSONS IN BOARDING HOMES—((CONTINUING)) GENERAL ASSISTANCE. (1) The monthly standard for board and room shall be two hundred eighteen dollars and fifty cents or seven dollars and twenty cents per day.

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

(3) These standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-29-280 **STANDARDS OF ASSISTANCE—ADULT FAMILY HOME CARE**~~((=COST STANDARDS))~~. (1) The basic monthly standard for adult family home care shall be three hundred fifty-four dollars and fifty-five cents.

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

(3) ~~((These standards are effective July 1, 1984.))~~
Activities of daily living add-ons

- (a) 1-3 activities..... \$36.58
- (b) 4-7 activities..... \$54.85
- (c) 8-12 activities..... \$79.23
- (4) Health-related services, maximum of nine.....each.. \$24.38
- (5) Respite care..... \$11.57.

(6) These standards are effective July 1, 1984.

AMENDATORY SECTION (Amending Order 2095, filed 4/18/84)

WAC 388-29-295 **STANDARDS OF ASSISTANCE** ~~((FOR THE))~~—**SUPPLEMENTAL SECURITY INCOME (SSI) PROGRAM**. ~~((+))~~ Effective January 1, 1985, standards of SSI assistance paid to eligible individuals and couples ~~((by SSA))~~ are:

	Standard	Federal ((SSI)) Benefit	State Supplement
Area I			
Living alone			
Individuals	((352.30)) \$363.30	314.00 \$325.00	\$ 38.30
Couples			
Both eligible	((508.40)) 525.40	472.00 488.00	36.40 37.40
With essential person	((508.40)) 525.40	471.00 488.00	37.40
With ineligible spouse	((508.40)) 525.40	314.00 325.00	194.40 200.40
Area II			
Living alone			
Individuals	((331.85)) 342.85	314.00 325.00	17.85
Couples			
Both eligible	((478.45)) 495.45	472.00 488.00	6.45 7.45
With essential person	((478.45)) 495.45	471.00 488.00	7.45

	Standard	Federal ((SSI)) Benefit	State Supplement
With ineligible spouse	((478.45)) 495.45	314.00 325.00	164.45 170.45
Shared living			
Individuals	((222.02)) 229.35	209.34 216.67	12.68
Couples			
Both eligible	((330.57)) 341.91	314.67 325.34	15.90 16.57
With essential person	((330.57)) 341.91	314.00 325.34	16.57
With ineligible spouse	((330.57)) 341.91	209.34 216.67	121.23 125.24

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

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-29-025 **LIMITATIONS ON REQUIREMENTS.**

WAC 388-29-030 **ASSISTANCE UNIT—SUPPLEMENTAL SECURITY INCOME BENEFICIARY EXCLUDED.**

WAC 388-29-040 **HOUSEKEEPER.**

WAC 388-29-135 **COST STANDARDS FOR REQUIREMENTS—MATERNITY HOME CARE.**

WSR 85-07-021

ADOPTED RULES

DEPARTMENT OF LICENSING

(Veterinary Board of Governors)

[Order PL 523—Filed March 13, 1985]

Be it resolved by the Washington State Veterinary Board of Governors, acting at Seattle, Washington, that it does adopt the annexed rules relating to examination results, WAC 308-151-100.

This action is taken pursuant to Notice No. WSR 85-03-108 filed with the code reviser on January 23, 1985. 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 18.92.030 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 6, 1985.

By Stanley B. Coe
Chairman

AMENDATORY SECTION (Amending Order PL 509, filed 1/18/85)

WAC 308-151-100 EXAMINATION RESULTS.

(1) In order to pass the examination for licensure as a veterinarian, the applicant must attain a minimum grade of:

(a) 1.5 standard deviations below the national mean of the criterion population on the National Board Examination, and

(b) 1.5 standard deviations below the national mean of the criterion population on the Clinical Competency Test, and

(c) 70% in the Washington state examination.

(2) Applicants who fail the National Board Examination, the Clinical Competency Test, or the Washington state examination may retake the examination that they failed (NBE, CCT or state) by again completing an application and by submitting the reexamination fee to the division of professional licensing: Provided, however, that a passing CCT score remains acceptable only if obtained within the last five years at the time of application and if taken after 1983, and that only the most recently obtained CCT and NBE scores will be considered in an application.

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 85-07-022

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 85-17—Filed March 13, 1985]

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.

This action is taken pursuant to Notice No. WSR 85-04-035 filed with the code reviser on February 1, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 75.08.070 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 March 12, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-44-050 COASTAL BOTTOMFISH CATCH LIMITS. It is unlawful to possess, transport through the waters of the state, or land in any Washington state port bottomfish taken from Coastal Marine Fish-Shellfish Management and Catch Reporting Areas 58B, 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*) - ~~((50,000))~~ 30,000 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))~~ 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 60,000 pounds of widow rockfish per vessel trip biweekly, defined as Sunday through the second Saturday following. The declaration of intent to fish biweekly for widow rockfish must be mailed or delivered to the Department of Fisheries, 115 General Administration Building, Olympia, WA 98504, and must be postmarked at least seven days prior to the beginning of biweekly fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which biweekly fishing for widow rockfish 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 for widow rockfish with the department in the above manner. The declaration to stop biweekly fishing for widow rockfish 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 widow rockfish in any calendar week.

(2) Shortbelly rockfish (*Sebastes jordani*) and Idiot Rockfish (~~((*Sebastolomus*))~~) *Sebastolobus* spp.) - no maximum poundage per vessel trip; no minimum size.

(3) Pacific ocean perch (*Sebastes alutus*) - ~~((5,000 pounds or 10))~~ 20 percent of total weight of fish on board~~((; whichever is greater;))~~ per vessel trip; no minimum size.

(4) All other species of rockfish (*Sebastes* spp.) - 30,000 pounds of all other species combined per vessel trip~~((; no minimum size. It is unlawful for any vessel to make more than one landing in excess of 3,000 pounds of other rockfish species in any))~~ per calendar week, defined as Sunday through the following Saturday, of which no more than 10,000 pounds may be yellowtail rockfish (*Sebastes flavidus*), except that a fisherman having made a declaration of intent may make one landing of no more than 60,000 pounds of all other species combined per vessel trip biweekly, defined as Sunday through the second Saturday following, of which no more than 20,000 pounds may be yellowtail rockfish. 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 postmarked at least seven days prior to the beginning of biweekly fishing. The declaration of intent must contain the name and address of the fisherman, the name and registration number of the vessel, the date on which biweekly fishing for other species of rockfish 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 for other species of rockfish with the department in the above manner. The declaration to stop biweekly fishing for other species of rockfish 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.

(7) For purposes of this section, a vessel trip is defined as having occurred upon the initiation of transfer of catch from the fishing vessel, and all fish aboard the vessel are considered part of the vessel trip limit at the initiation of transfer of catch.

WSR 85-07-023

ADOPTED RULES

DEPARTMENT OF FISHERIES

[Order 85-18—Filed March 13, 1985]

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.

This action is taken pursuant to Notice No. WSR 85-03-109 filed with the code reviser on January 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

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

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

APPROVED AND ADOPTED March 8, 1985.

By Russell W. Cahill
for William R. Wilkerson
Director

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80)

WAC 220-56-335 CRAB—UNLAWFUL ACTS.
(1) It (~~shall be~~) is unlawful for any person to take(~~;~~ fish for) or possess for personal use any female Dungeness crabs(~~, and~~).

(2) It (~~shall be~~) is unlawful to take(~~;~~ fish for) or possess any male Dungeness crabs which measure less than 6 inches taken for personal use from the waters of the Pacific Ocean, Grays Harbor, Willapa Bay, the waters at the mouth of the Columbia River inside Buoy 10, or Puget Sound, except for the waters inside Punch Card Area 7.

(3) It is unlawful to take or possess any male Dungeness crab which measure less than 6 and 1/4 inches taken for personal use from the waters of Punch Card Area 7.

(4) All measurement shall be made horizontally across the back (caliper measurement) immediately in front of the points.

((2)) (5) It (~~shall be~~) is unlawful to possess in the field any crab or parts thereof without retaining the back shell.

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 85-07-024

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 85-19—Filed March 13, 1985]

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 rule is needed to allow escapement to meet allocation goals and provide for an orderly fishery, and is interim in nature until permanent rules take effect.

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

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

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

APPROVED AND ADOPTED March 13, 1985.

By Gary C. Alexander
for William R. Wilkerson
Director

NEW SECTION

WAC 220-56-18000S BAG LIMIT CODES. Notwithstanding the provisions of WAC 220-56-180, effective 12:01 a.m. March 15, through 11:59 p.m. May 24, 1985, it is unlawful to possess chinook salmon taken for personal use from Punch Card Area 9.

WSR 85-07-025
EMERGENCY RULES
DEPARTMENT OF GAME
(Game Commission)
[Order 267—Filed March 14, 1985]

Be it resolved by the State Game Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to an amendment to 1985 Washington game fish seasons and catch limits—Satus Creek and Toppenish Creek, WAC 232-28-61414.

We, the State Game Commission, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is this amendment is necessary to protect spawning adult steelhead and emigrating steelhead smolts. Recent Yakima Indian Nation steelhead smolt trapping indicate peak smolt migration the last week in April and the first week in May. In addition, their data indicated that steelhead spawning is complete by mid-May. The incidental sport catch of smolts and adult steelhead will be substantially reduced by this regulation.

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

This rule is promulgated pursuant to RCW 77.12.040 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 12, 1985.

By Jack S. Wayland
Director

NEW SECTION

WAC 232-28-61414 AMENDMENT TO 1985 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—SATUS CREEK AND TOPPENISH CREEK. Notwithstanding the provisions of WAC 232-28-614, the game fishing season for Satus Creek and Toppenish Creek will be as follows:

Seasons

Satus Creek May 11 – October 31
Toppenish Creek May 11 – October 31

WSR 85-07-026
EMERGENCY RULES
BOARD OF HEALTH
[Order 286—Filed March 14, 1985]

Be it resolved by the Washington State Board of Health, acting at Yakima, Washington, that it does adopt the annexed rules relating to:

Amd ch. 248-84 WAC Food service and sanitation.
New WAC 248-84-120 Sulfiting agents. (1) Definitions.

We, the Washington State Board of Health, 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 there is a substantial risk to the health or life of individuals who are sensitive to sulfite, when consuming foods containing sulfiting agents.

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 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 March 13, 1985.

By John A. Beare, MD
Director

NEW SECTION

WAC 248-84-120 SULFITING AGENTS. (1) The following definitions apply only to this section:

(a) "Sulfiting agents" means chemicals used to treat foods to increase shelf life and enhance appearance and include the following:

- (i) Sulfur dioxide,
- (ii) Sodium sulfite,
- (iii) Sodium bisulfite,
- (iv) Potassium bisulfite,
- (v) Sodium metabisulfite, and
- (vi) Potassium metabisulfite.

(b) "Health officer" means the local health officer or designee or the director of the division of health, department of social and health services, or designee.

(2) Sulfiting agents shall not be applied in any food service establishment.

(3) Foods prepared in commercial food processing establishments are not subject to this section provided all food products containing sulfiting agents shall be labeled in accordance with RCW 69.04.396.

(4) Sulfiting agents are prohibited from the premises of any food service establishment unless in package form, clearly labeled, and offered for retail sale.

(5) Consumers shall be notified by any food service establishment purchasing, using, offering for sale or service, or otherwise having on the establishment's premises or in storage, any of the following foods, processed by a commercial food processing establishment, and labeled as containing sulfiting agents:

(a) Fresh, raw vegetables including salad ingredients;

(b) Fresh, raw fruits;

(c) Dried fruits sold in bulk food displays or repackaged from a larger labeled package;

(d) Dried, powdered, or freeze-dried potato products sold in bulk food displays or repackaged from a larger labeled package.

(6) Consumers shall be notified as required by this section by the food service establishment by one of the following methods:

(a) The following notice conspicuously attached to any and all packages and bulk food display units:

"This food contains sulfiting agents. Persons allergic to sulfiting agents should avoid consumption of this food."

or,

(b) Conspicuous notices on public entrances, or on menus, or on table placards, stating:

"Sulfiting agents are used on some foods served or sold by this establishment. Persons allergic to sulfiting agents should ask which foods have been treated."

WSR 85-07-027

RESCINDING PREVIOUS ORDER

BOARD OF HEALTH

[Order 287—Filed March 14, 1985]

Be it resolved by the Washington State Board of Health, acting at Yakima, Washington, that it does hereby rescind Administrative Order No. 282 filed with the code reviser January 14, 1985, under WSR 85-03-055.

We, the Washington State Board of Health, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is it is presently felt that the state immunization program now has enough vaccine to allow rescinding of the emergency

amendment to the above cited regulations without jeopardizing ongoing vaccine needs.

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

This rule is promulgated pursuant to RCW 28A.31-.116 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 13, 1985.

By John A. Beare, MD
Director

WSR 85-07-028

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1848—Filed March 15, 1985]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to standards for asparagus, chapter 16-409 WAC.

This action is taken pursuant to Notice No. WSR 85-03-090 filed with the code reviser on January 21, 1985. 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 15.17 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 15, 1985.

By Michael V. Schwisow
Deputy Director

**Chapter 16-409 WAC
STANDARDS FOR ASPARAGUS**

WAC

- 16-409-015 Definitions.
- 16-409-020 Washington standards—(~~Washington No. 1~~) Grades.
- 16-409-030 Tolerances for defects, color, diameter and (~~length~~) trim.
- 16-409-035 Application of tolerances.
- 16-409-060 Washington standards—Size (~~classifications~~) designations.
- 16-409-065 Containers.
- 16-409-070 Marking requirements.
- 16-409-075 Exemption.
- 16-409-085 Adoption of United States standards as Washington state standards.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-015 DEFINITIONS. (1) "Clean" means that the asparagus is free from excessive dirt, dust, residue or foreign matter.

(2) "Fresh" means that the stalk is not limp or flabby.

(3) "Well trimmed" means that at least two-thirds of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not stringy or frayed.

(4) "Fairly well trimmed" means that at least one-third of the butt of the stalk is smoothly trimmed in a plane approximately parallel to the bottom of the container and that the butt is not badly stringy or frayed.

(5) "Diameter" means the greatest thickness of the stalk measured at a point approximately one inch from the butt.

~~((4))~~ (6) "Fairly uniform in length" means that stalks within a container shall vary not more than one and one-half inches in length.

~~((5))~~ (7) "White" means that portion of the stalk near the butt, which is white in color or light purple over white. White is measured from the extreme tip of the butt to the point of beginning of green color.

~~((6))~~ (8) "Green" means that portion of the stalk having green color, purplish-green or greenish-purple color, and purple at the tip.

~~((7))~~ (9) "Damage" means any defect, or combination of defects, which materially ~~((affects))~~ detracts from the appearance, or the edible or marketing quality of the stalk.

~~((8))~~ (10) "Serious damage" means any defect, or combination of defects, which seriously detracts from the appearance, or the edible or marketing quality of the stalk.

~~((9))~~ (11) "Badly misshapen" means the stalk is so badly flattened, crooked or otherwise so badly deformed that its appearance is seriously affected.

~~((10))~~ (12) "Fresh asparagus" as used in the standards means a lot of asparagus marketed for the purpose of fresh consumption.

~~((11))~~ (13) "Lot" means any number of containers of fresh asparagus being offered as a unit for the purpose of inspection, sale, or shipment.

~~((12))~~ (14) "Shipment" means any number of containers of fresh asparagus transported on a single conveyance from the area of production.

~~((13))~~ (15) "Field container" means an open lug made of wood, plastic, or similar material and used repetitively for field harvesting.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-020 WASHINGTON STANDARDS—~~((WASHINGTON NO. 1))~~ GRADES. (1) Washington ~~((No. 1))~~ extra fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, ~~((which are not))~~ well trimmed, fairly straight, not wilted ~~((or crooked;)),~~ and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, or mechanical or other means.

~~((Each))~~ Stalks shall ~~((show not more than one and one-half inches of white))~~ have at least eighty-five percent green color.

~~((b))~~ ~~((Each stalk shall have a diameter of not less than three-eighths of an inch))~~ Stalks within individual containers shall meet one of the following designated sizes: Jumbo, large, or standard.

(2) Washington ~~((No. 2))~~ fancy shall consist of:

(a) Clean, fresh stalks of asparagus, fairly uniform in length, ~~((which are))~~ fairly well trimmed, not wilted and not badly misshapen~~((;)),~~ and which are free from decay and serious damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall ~~((show not more than two inches of white))~~ have at least eighty-five percent green color.

~~((b))~~ Each stalk shall have a diameter of not less than ~~((one-fourth))~~ four-sixteenths inch.

(3) Washington consumer pack shall consist of:

(a) Clean, fresh stalks of asparagus and may be of random length, which are fairly straight, not wilted ~~((or crooked;))~~ and which are free from decay and damage caused by spreading or broken tips, dirt, disease, insects, mechanical or other means. Stalks shall show not more than ~~((two))~~ one and one-half inches of white.

~~((b))~~ Each stalk shall have a diameter of not less than ~~((one-fourth))~~ four-sixteenths inch.

(4) Culls.

(a) Asparagus which is not graded in conformity with Washington ~~((No. 1))~~ extra fancy, Washington ~~((No. 2))~~ fancy, Washington consumer pack, or U.S. No. 1, or U.S. No. 2 shall be designated as "culls."

(b) Culls shall not be marketed if more than ten percent by count of the stalks show white in excess of two inches.

(5) Any lot of fresh asparagus, including "culls" marketed within the state of Washington, shall have not more than ten percent of stalks with white in excess of two inches, nor more than ten percent of stalks which are less than four-sixteenths inch in diameter.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-030 TOLERANCES FOR DEFECTS, COLOR, DIAMETER AND ~~((LENGTH))~~ TRIM. (1) In order to allow for variations incident to proper grading and handling in the Washington ~~((No. 1))~~ extra fancy, Washington ~~((No. 2))~~ fancy, and Washington consumer pack grades, the following tolerances are provided as specified:

(a) Ten percent, by count, for stalks failing to meet the requirements of the grade other than for trim and color requirements, including therein, not more than one percent for stalks affected by decay.

(b) An additional ten percent, by count, for stalks ~~((showing excessive white))~~ having less than the specified amount of green color.

~~((c))~~ An additional ten percent, by count, for stalks not meeting trim requirements.

(2) In order to allow for variations in diameter and length incident to proper sizing in the Washington ~~((No. 1))~~ extra fancy, Washington ~~((No. 2))~~ fancy, and

Washington consumer pack grades, the following tolerance is provided as specified: Ten percent, by count, for stalks failing to meet the required minimum and maximum diameter, and/or length, as defined under, "fairly uniform in length" and "size designations."

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-035 APPLICATION OF TOLERANCES. Individual samples are subject to the following limitations: PROVIDED, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For a tolerance of ten percent or more, individual samples shall contain not more than one and one-half times the tolerance specified.

(2) For a tolerance of less than ten percent, individual samples shall contain not more than double the tolerance specified.

(3) One decayed or otherwise defective stalk, one poorly trimmed stalk, one poorly colored, and one off-size stalk shall be permitted in any sample.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-060 WASHINGTON STANDARDS—SIZE ((CLASSIFICATIONS)) DESIGNATIONS. In addition to the statement of grade(~~(; any lot of asparagus may be classified as Washington small or Washington large, if eighty percent, by count, of the stalks in any lot conform to the following diameters for such classifications:~~

Washington Small
(4/16) 1/4 inch
diameter and larger

Washington Large
(6/16) 3/8 inch
diameter and larger);

(1) Washington extra fancy grade lots shall be designated as Washington extra fancy jumbo or Washington jumbo, Washington extra fancy large or Washington large, or Washington extra fancy standard or Washington standard. Ninety percent, by count, of the stalks in any lot shall conform to the following diameters for such designations:

(a) Washington extra fancy jumbo or Washington jumbo shall be stalks thirteen-sixteenths inch in diameter or larger.

(b) Washington extra fancy large or Washington large shall be stalks seven-sixteenths inch in diameter or larger.

(c) Washington extra fancy standard or Washington standard shall be stalks six-sixteenths inch in diameter or larger.

(2) Washington fancy grade lots shall be designated by minimum diameter: PROVIDED, That when at least ninety percent, by count, of the stalks in any lot are four-sixteenths inch in diameter or larger, the lot may be designated as Washington fancy small or Washington small.

(3) Washington consumer pack grade lots shall be designated by minimum diameter. Stalks shall be four-sixteenths inch in diameter or larger.

(4) U.S. No. 1 grade lots shall be designated as Washington jumbo, Washington large, or Washington standard, or may be designated by minimum diameter.

(5) U.S. No. 2 grade lots shall be designated as Washington small or may be designated by minimum diameter.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-065 CONTAINERS. (1) Fresh asparagus shall be marketed in containers which are clean and free from dirt, trash, and visible contaminates.

(2) Fresh asparagus of the Washington ((No. 1)) extra fancy, Washington ((No. 2)) fancy, ((Washington consumer pack,)) U.S. No. 1, and U.S. No. 2 grades shall be marketed in pyramid type containers with ((a)) moisture ((pad, or)) pads.

(3) Fresh asparagus of the Washington consumer pack grade shall be marketed in pyramid type containers with moisture pads, or in fibre-board ((of)) or wooden "western lug" containers having inside dimensions of approximately seven, by eleven and one-half, by eighteen inches, or capacity of thirteen hundred fifty to fifteen hundred fifty cubic inches.

(4) Pyramid type containers shall contain thirty pounds, fifteen pounds, or six kilograms net weight.

(5) Western lugs shall contain not less ((that)) than twenty pounds net weight.

((3)) (6) Culls shall be marketed in wooden pyramid ((type)) containers with moisture pads.

((4)) (7) Fresh asparagus in field containers shall not be marketed.

((5)) (8) The director may allow the use of containers not specified in subsections (2) ((and)), (3), (4), (5), and (6) of this section, as experimental containers for the purpose of test or trial marketing.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-070 MARKING REQUIREMENTS. (1) ((Open or closed)) Containers shall be conspicuously and legibly marked with the name and address of the grower, packer, or distributor, the grade, and net weight, and a size designation or diameter size as defined in WAC 16-409-060 (1), (2), (3), (4), and (5).

(2) The grade and size designation shall be marked in letters at least three-eighths inch in height.

(3) The following abbreviations of grade and size designation shall be acceptable: Washington may be abbreviated as Wash. or WA. Extra fancy may be abbreviated as ex fcy or extra fcy. Fancy may be abbreviated as fcy. Large may be abbreviated as lge. Standard may be abbreviated as std.

(4) The use of U.S. No. 1 or U.S. No. 2 grade markings shall be permitted subject to WAC 16-409-085.

(5) If culls are marketed, the word "culls" shall be conspicuously and legibly marked in letters at least one inch in height and shall be predominant in size over other markings.

~~((4))~~ (6) All required markings shall be placed on one end of the container, and may be duplicated on opposite end of container.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-075 EXEMPTION. Any individual shipment of fresh asparagus shall be exempted from the requirements of WAC ~~((16-409-015))~~ 16-409-020 through 16-409-060, 16-409-065~~((1+))~~ (2), (3) ~~(and)~~, (4), (5), (6), and (8); and 16-409-070 when:

(1) The shipment consists of asparagus for home use and not for resale.

(2) The shipment does not exceed two hundred fifty pounds net weight.

AMENDATORY SECTION (Amending Order 1787, filed 3/1/83)

WAC 16-409-085 ADOPTION OF UNITED STATES STANDARDS AS WASHINGTON STATE STANDARDS. In addition to the standards for asparagus as set forth in this chapter the United States standards for grades of fresh asparagus, as they apply to U.S. No. 1 and U.S. No. 2, are hereby adopted as additional standards for the state of Washington for asparagus: PROVIDED, That U.S. No. 1 shall be not less than six-sixteenths inch in diameter and shall meet or exceed Washington extra fancy grade and U.S. No. 2 shall be not less than four-sixteenths inch in diameter and shall meet or exceed Washington fancy grade.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-409-120 UNITED STATES STANDARDS FOR FRESH ASPARAGUS—AMOUNT OF GREEN COLOR.

WSR 85-07-029

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1849—Filed March 15, 1985]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the use of restricted use herbicides in Columbia County and Klickitat County, chapter 16-231 WAC.

This action is taken pursuant to Notice Nos. WSR 85-03-101 and 85-06-042 filed with the code reviser on January 23, 1985, and March 5, 1985. 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 chapters 17.21 and 15.58 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 15, 1985.

By Michael V. Schwisow
Deputy Director

NEW SECTION

WAC 16-231-413 AREA 1. (1) Area 1 description. That area within a distance of one-half mile of the city limits of Dayton.

(2) Area 1 restrictions. Aircraft applications of restricted use herbicides are prohibited on and after April 5 through October 31: PROVIDED, That upon written request to the Washington state department of agriculture, aircraft applications by permit shall be considered for purposes of critical weed control.

NEW SECTION

WAC 16-231-613 AREA 2. (1) Area 2 description. (Southeast corner of Klickitat County). Sections 13, 14, 21, 22, 23, 24, 25, 26, 27, 28, 34, 35, 36, Township 5 North, Range 23 East; Sections 21, 22, south half of Section 23, Sections 26, 27, 28, 33, 34, west half of Section 35, Township 5 North, Range 22 East; Sections 1, 2, 11, 12, Township 4 North, Range 23 East.

(2) Area 2 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after April 15 through October 31: PROVIDED, That upon written request to the Washington state department of agriculture, a permit may be issued for purposes of critical weed control.

(b) On and after April 15 through October 31, ground applications of restricted use herbicides shall be made using nozzles having a minimum orifice diameter of 0.036 inches.

(c) On and after April 15 through October 31, aircraft applications of restricted use herbicides shall be made using danger area restrictions (see WAC 16-230-675): PROVIDED, That aircraft applications shall be prohibited within one mile of commercial vineyards and within one-half mile of other susceptible crops: PROVIDED FURTHER, That upon written request to the Washington state department of agriculture, aircraft applications from one-half mile to one mile of commercial vineyards and within one-half mile of other susceptible crops by permit shall be considered for purposes of critical weed control. On and after November 1 through April 14 of the following year, aircraft applications shall be made using caution area restrictions (see WAC 16-230-675).

AMENDATORY SECTION (Amending Order 1668, filed 2/20/80)

WAC 16-231-615 AREA 3. (1) Area 3 description. All remaining lands within the boundaries of Klickitat County.

(2) Area 3 restrictions.

(a) The use or application of low volatile formulations of restricted use herbicides shall be prohibited on and after May 1 through September 30 of each year: PROVIDED, That on and after May 1 through May 14 of each year, low volatile formulations shall be considered through written request to the department of agriculture.

(b) On and after May 1 through September 30, ground applications of restricted use herbicides shall be made with nozzles having a minimum orifice diameter of 0.031 inches.

(c) On and after May 1 through September 30, aircraft applications of restricted use herbicides shall be made using the caution area restrictions (see WAC 16-230-675).

WSR 85-07-030
PROPOSED RULES
GAMBLING COMMISSION
[Filed March 15, 1985]

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 230-20-380, 230-25-220 and 230-30-050;

that the agency will at 10:00 a.m., Thursday, May 9, 1985, in the Executive Inn, 5700 Pacific Highway East, Fife, 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 (1) and (23) and 9.46.070 (1), (2), (3) and (14).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 9, 1985.

Dated: March 15, 1985

By: Ronald O. Bailey
Deputy Director

STATEMENT OF PURPOSE

Title: Amendatory sections WAC 230-20-380 Persons obtaining a special amusement game license to conduct activities only at limited locations; 230-25-220 Raffles or similar lotteries conducted at fund raising events; and 230-30-050 Punchboard and pull tab operation.

Description of Purpose: Extends number of operating days; updates changes pertaining to other rules; and requires operators to obtain detailed sales invoice on items purchased for punchboards.

Statutory Authority: RCW 9.46.020 (1) and (23) and 9.46.070 (1), (2), (3) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-20-380 amends rule to allow amusement games to operate for seventeen days at shopping centers or other commercial areas; 230-25-220 amends rule to update changes pertaining to other rules; and

230-30-050 amends rule to require operators to obtain detailed sales invoices for merchandise used on punchboards.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Keith Kisor, Director, and Ronald O. Bailey, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-0865 scan, 753-0865 comm.

Proponents and Opponents: Gambling Commission staff proposes these rule amendments and new rules.

Agency Comments: The agency believes the proposed rules are self-explanatory and need no further comment.

These rules were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined that there would be no economic impact upon small businesses in the state of Washington by the adoption of these amendments or new rules.

AMENDATORY SECTION (Amending Order 51, filed 4/30/76)

WAC 230-20-380 PERSONS OBTAINING A SPECIAL AMUSEMENT GAME LICENSE TO CONDUCT ACTIVITIES ONLY AT LIMITED LOCATIONS. (1) Persons other than bona fide charitable or bona fide nonprofit organizations shall conduct amusement games only after obtaining a "special amusement game license" from the commission.

(2) Amusement games may be conducted under such a license only as a part of, and upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than ((+2)) 17 consecutive days by any licensee during any calendar year.

(3) No amusement games shall be conducted in any location except in conformance with local zoning, fire, health and similar regulations.

In no event shall the licensee conduct any amusement games at any of the locations set out in (2) above without first having obtained the written permission to do so from the person or organization owning the premises or an authorized agent thereof, and from the persons sponsoring the fair, exhibition, commercial exhibition, or festival, or from the city or town operating the civic center, in connection with which the games are to be operated.

(4) In no event shall the licensee operate amusement games at any location not set forth on his application for licensure, or of which he has not given the commission at least ten day prior written notice, except that the director may shorten this time period if, in his sole discretion, good cause is shown.

(5) The holder of a Class A special amusement game license shall conduct the games only at the location, and during the event, for which the license is issued.

AMENDATORY SECTION (Amending Order 111, filed 9/15/81)

WAC 230-25-220 RAFFLES OR SIMILAR LOTTERIES CONDUCTED AT FUND RAISING EVENTS. (1) No sales of tickets or drawing(s) in any raffle or similar lottery wherein the winner or winners are chosen by the drawing of a ticket or other card or device shall be done at, or in connection with, a licensed fund raising event unless all aspects of the raffle or similar lottery are done only at the fund raising event.

(2) If any ticket or card or device for a raffle or similar lottery is sold, or any drawing for a raffle or similar lottery held, other than at and during a licensed fund raising event then no portion of the raffle or

similar lottery shall be conducted at or during any licensed fund raising event, nor shall the raffle or similar lottery be considered as being held under the license for any such fund raising event.

(3) Raffles or other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or other card or device conducted at, or as a part of, a licensed fund raising event authorized under RCW 9.46.030(1) shall be treated as conducted solely pursuant to the license to conduct that fund raising event. All income, prizes awarded, and other expenses shall be accounted for, and reported to the commission, as required for fund raising events and shall not be reported, or accounted for, as required for raffles conducted under a raffle license issued by the commission, or under a different statutory authority: **PROVIDED**, That the requirements of WAC ((230-20-100)) 230-20-325 applicable to raffles shall be applicable to all such lotteries.

Income from raffles or other lotteries conducted at, or as a part of, such a fund raising event shall be applied only against the maximum income permitted for fund raising events and shall not be applied against other maximum income limits imposed by chapter 9.46 RCW or the commission's rules.

(4) All of the commission's rules applicable to the conduct of raffles, whether general or specific, shall apply to the conduct of raffles and to the conduct of other similar lotteries wherein the winner or winners are chosen by the drawing of a ticket or similar card or device at, or as a part of, a fund raising event, except as provided in subsection (3) above and except the following rules which shall not be applicable:

- (a) WAC ((230-20-340)) 230-08-070;
- (b) WAC 230-20-350;
- (c) WAC ((230-20-150)) 230-12-020.

(5) Subsections (1) through (4) above shall not be applicable where a drawing is held during a fund raising event for a raffle conducted pursuant to a raffle license issued by the commission subject to all the commission's rules applicable to such raffles, and all tickets for said raffle are sold, and deposited into the drawing container prior to the beginning of the fund raising event.

AMENDATORY SECTION (Amending Order 114, filed 10/15/81)

WAC 230-30-050 PUNCHBOARD AND PULL TAB OPERATION. (1) No person under the age of eighteen years and no person visibly intoxicated or visibly under the influence of any narcotic, shall be allowed to play any punchboard or pull tab device. It shall be the responsibility of the licensee and the responsibility of the person physically operating the punchboard or pull tab device to determine that no unauthorized person is allowed to play.

(2) No operator shall permit the display or operation of any punchboard or pull tab which may have in any manner been marked, defaced, tampered with or otherwise placed in a condition, or operated in a manner, which may deceive the public or which affects the chances of winning or losing upon the taking of any chance thereon.

(3) All records, reports and receipts relating to a punchboard or pull tab series in play must be retained on the licensed premises so long as the series or punchboard is in play and be made available on demand to law enforcement officers and representatives of the commission.

(4) When operators purchase merchandise to be used as prizes on punchboards or pull tab series from other than a licensed distributor, the following information must be on the invoice provided by the seller:

- (a) The date of purchase;
- (b) The company's name and adequate business address;
- (c) A full description of each item purchased;
- (d) The quantity of items purchased;
- (e) The cost per individual items purchased; and
- (f) The sales invoice or receipt must be maintained by the operator for at least three years.

WSR 85-07-031
ADOPTED RULES
GAMBLING COMMISSION
 [Order 148—Filed March 15, 1985]

Be it resolved by the Washington State Gambling Commission, acting at Olympia, Washington, that it does adopt the annexed rules relating to description of

central and field organization of the Gambling Commission, amending WAC 230-60-015. This corrects addresses of Gambling Commission offices.

This action is taken pursuant to Notice No. WSR 85-03-058 filed with the code reviser on January 15, 1985. 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 9.46.070 (7), (13) and (18) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 14, 1985.

By Ronald O. Bailey
 Deputy Director

AMENDATORY SECTION (Amending Order 108, filed 5/19/81)

WAC 230-60-015 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE GAMBLING COMMISSION. The administrative office of the commission and its staff is located in the ((capital plaza)) Jefferson building, 1110 South Jefferson, Olympia, 98504. Commission offices located in other cities are as follows:

CITY	ENFORCEMENT SERVICES (See Notes)
Eastern Region	
Spokane 99205 123 East Indiana	1,2
Moses Lake 98337 Ahlers Building, Suite A 310 S. Balsam	1
Yakima 98901 1106 ((A)) B West Lincoln	1,2
Northwest Region	
Seattle ((98115)) 98134 ((444 N.E. Ravenna Blvd.)) 666 S. Dearborn International Bldg.	1,2
Southwest Region	
Tacoma 98405 ((The Pettibon Office Bldg.)) 1201 S. Proctor	1,2
Vancouver 98663 Suite 5, Angelo Plaza 1801 D Street	1

NOTES

1 - Information, inspection, investigation, training, and intergovernmental liaison.

2 - Audit.

All records of the commission are maintained in the administrative office in Olympia.

WSR 85-07-032

ADOPTED RULES

CENTRAL WASHINGTON UNIVERSITY

[Order 58—Filed March 15, 1985]

I, Donald E. Guy, dean of students of the Central Washington University, do promulgate and adopt at Ellensburg, Washington, the annexed rules relating to student rights and responsibilities policy, chapter 106-120 WAC.

This action is taken pursuant to Notice No. WSR 85-03-086 filed with the code reviser on January 21, 1985. 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 Central Washington University as authorized in RCW 28B.19.050 and 28B.35.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED March 12, 1985.

By Donald E. Guy
Dean of Students

AMENDATORY CHAPTER TITLE

CHAPTER 106-120 WAC

((STUDENT RIGHTS AND RESPONSIBILITIES
POLICY))

STUDENT JUDICIAL CODE

NEW SECTION

WAC 106-120-003 PURPOSE. The students of Central Washington University are responsible for complying with policies, standards, rules, and requirements for academic and social behavior formulated by the university for the maintenance of and orderly and responsible functioning of the university community. At the same time, students have protection through orderly procedures against arbitrary or capricious actions or decisions by university authorities. Due process is recognized as essential to the proper enforcement of university rules. The purpose of this chapter is to provide a procedure and rules by which a student will be afforded due process in the matter of alleged violations of university standards, rules and requirements governing academic and social conduct of students.

The university recognizes a responsibility to resolve behavior problems before they escalate into serious problems requiring the application of these rules. Therefore, the dean shall generally review and/or investigate student behavioral problems which are referred by university community members or any subsidiary judicial agencies to the Campus Judicial Council, or which

otherwise come to the attention of the dean through Campus Safety reports or other official university reports. The Dean shall be as proactive as is possible concerning the resolution of student behavioral problems and use reasonable arbitration and conflict resolution methods in order to prevent such problems from further interfering with the university community or the student's own educational progress.

NEW SECTION

WAC 106-120-004 DEFINITIONS. (1) "University" shall mean Central Washington University.

(2) "Dean" shall mean the dean of students of the university or the dean's designee.

(3) "Student" shall mean a person enrolled at the university either full or part-time, pursuing undergraduate, graduate, or extension studies, or a person accepted for admission or readmission to the university.

(4) "University community" shall include the employees and students of Central Washington University and all property and equipment of the university.

NEW SECTION

WAC 106-120-005 PROVISION FOR DUE PROCESS. The dean shall provide for due process for students throughout the behavioral problem solving intervention by following the proper steps related to the initiation, investigation, and disposition of complaints against a student which is outlined in WAC 106-120-131.

NEW SECTION

WAC 106-120-006 STUDENTS SUBJECT TO JUDICIAL CODE. Any student is subject to these rules, independent of any other status the individual may have with the university. Any action taken against a student under these rules shall be independent of other actions taken by virtue of another relationship with the university in addition to that of student.

NEW SECTION

WAC 106-120-007 COOPERATION WITH LAW ENFORCEMENT AGENCIES. Central Washington University distinguishes its responsibility for student conduct from the controls imposed by the larger community beyond the university, and of which the university is a part. The university does not have the responsibilities of a parent for the conduct of students, and is not responsible for conduct of students off campus. When students are charged with violations of laws of the nation or state, or ordinances of the county or city, the university will neither request nor agree to special consideration for students because of their status as students, but the university will cooperate with law enforcement agencies, courts, and any other agencies in programs for rehabilitation of students.

Central Washington University reserves the right to impose the provisions of this chapter and apply further sanctions before or after law enforcement agencies,

courts, and other agencies have imposed penalties or otherwise disposed of a case.

NEW SECTION

WAC 106-120-021 **CAMPUS JUDICIAL COUNCIL.** The Campus Judicial Council shall be the principal campus-wide judicial body with jurisdiction over all students, whether graduate or undergraduate, and student organizations and authority to hear all charges of misconduct. It has authority to impose the sanctions described in WAC 106-120-028.

NEW SECTION

WAC 106-120-022 **SUBSIDIARY JUDICIAL AGENCIES.** Other divisions of the university may elect to establish subsidiary judicial agencies over which the Campus Judicial Council will have appellate jurisdiction. Subsidiary judicial agencies or persons levying sanctions should devise sanctions which are in proportion to both the nature and extent of the misconduct, and which redress injury, damage, expense, inconvenience and/or grievance as far as possible. Appeal from subsidiary councils or agencies must be made within five working days from the time of publication of findings by said subsidiary judicial agency. Failure to file such an appeal will constitute and be construed as full acceptance by all parties of the findings.

NEW SECTION

WAC 106-120-023 **CAMPUS JUDICIAL COUNCIL—MEMBERSHIP.** The campus judicial council shall consist of three faculty members holding the rank of assistant professor or above, and six students, at least one of whom should be a graduate student if a graduate student files for appointment to the council.

(1) The faculty members of the council shall be designated in accordance with procedures established by the Faculty Senate.

(2) The student members of the council shall be selected in accordance with procedures established by the constitution of the Associated Students of Central. Six student members shall be appointed, each student being appointed for a term of one calendar year. Terms of office for students begin with the first day of instruction of the academic year for which the student is appointed.

NEW SECTION

WAC 106-120-024 **CAMPUS JUDICIAL COUNCIL—CHAIR.** A campus judicial council chair shall be elected at the first meeting each academic year and shall continue in office until the person resigns or is recalled. The duties of the chair are as follows:

(1) To call regular and special meetings of the council by notification to members at least twenty-four hours in advance of the meeting time, except in bona fide emergency situations.

(2) To preside over all regular and special meetings.

(3) To act as hearing officer at all meetings of the hearing board.

NEW SECTION

WAC 106-120-025 **CAMPUS JUDICIAL COUNCIL—QUORUM.** Two of the faculty members and three of the student members of the council shall constitute a quorum.

NEW SECTION

WAC 106-120-026 **CAMPUS JUDICIAL COUNCIL—ADVISOR.** The dean shall appoint a faculty member as a Judicial Council Advisor whose duties shall be to convene the Council, and advise the council during all meetings and hearings.

NEW SECTION

WAC 106-120-027 **PROSCRIBED CONDUCT.** A student shall be subject to disciplinary action or sanction upon violation of any of the following conduct proscriptions:

(1) Disruptive and disorderly conduct which interferes with the rights and opportunities of other students to pursue their academic studies.

(2) Academic dishonesty in all its forms including, but without being limited to:

(a) Cheating on tests.

(b) Copying from another student's test paper.

(c) Using materials during a test not authorized by the person giving the test.

(d) Collaboration with any other person during a test without authority.

(e) Knowingly obtaining, using, buying, selling, transporting, or soliciting in whole or in part the contents of an unadministered test or information about an unadministered test.

(f) Bribing any other person to obtain an unadministered test or information about an unadministered test.

(g) Substitution for another student or permitting any other person to substitute for oneself to take a test.

(h) "Plagiarism" which shall mean the appropriation of any other person's work and the unacknowledged incorporation of that work in one's own work offered for credit.

(i) "Collusion" which shall mean the unauthorized collaboration with any other person in preparing work offered for credit.

(3) Filing a formal complaint with the dean of students with the intention of falsely accusing another with having violated a provision of this code.

(4) Furnishing false information to the Campus Judicial Council with the intent to deceive, the intimidation of witnesses, the destruction of evidence with the intent to deny its presentation to the Campus Judicial Council or the willful failure to appear before the Campus Judicial Council when properly notified to appear.

(5) Intentionally setting off a fire alarm or reporting a fire or other emergency or tampering with fire or emergency equipment except when done with the reasonable belief in the existence of a need therefore.

(6) Forgery, alteration, or misuse of university documents, records, or identification cards.

(7) Physically abusing or intentionally inflicting severe emotional distress upon another person, whether a member or nonmember of the university community, whether occurring on or off campus.

(8) Theft or malicious destruction, damage or misuse of university property, private property of another member of the university community, whether occurring on or off campus; or theft or malicious destruction, damage or misuse on campus of property of a nonmember of the university community.

(9) Unauthorized seizure or occupation or unauthorized presence in any university building or facility.

(10) Intentional disruption or obstruction of teaching, research, administration, disciplinary proceedings, or other university activities or programs whether occurring on or off campus or of activities or programs authorized or permitted by the university to be conducted on campus.

(11) Intentional participation in a demonstration which is in violation of rules and regulations governing demonstrations promulgated by the university.

(12) Unauthorized entry upon the property of the university or into a university facility or any portion thereof which has been reserved, restricted in use, or placed off limits; unauthorized presence in any university facility after closing hours; or unauthorized possession or use of a key to any university facility.

(13) Possession or use on campus of any firearm, dangerous weapon or incendiary device or explosive unless such possession or use has been authorized by the university.

(14) Possession, use, or distribution on campus of any controlled substance as defined by the laws of the United States or the State of Washington except as expressly permitted by law.

(15) Violation of the university policy on alcoholic beverages which states:

(a) Persons twenty-one years of age or older may possess and/or consume alcoholic beverages within the privacy of their residence hall rooms or apartments. Washington State law provides severe penalties for the possession or consumption of alcoholic beverages by persons under twenty-one years of age and for persons who furnish alcoholic beverages to minors. All university students should be aware of these laws and the possible consequences of violations.

(b) The university does not condone the consumption of alcoholic beverages by minors at functions sponsored by Central Washington University organizations. Organizations are held responsible for the conduct of their members at functions sponsored by the organization and for failure to comply with Washington State law.

(c) The Campus Judicial Council may place on probation any organization or prohibit a specific campus social function when the consumption of alcoholic beverages has become a problem of concern to the university.

(16) Violation of clearly stated proscriptions in any published rule or regulation promulgated by any official campus committee or commission or council acting within the scope of its authority.

(17) Violation on campus of any state or federal law or violation of any state or federal law off campus while participating in any university sponsored activity.

NEW SECTION

WAC 106-120-028 DISCIPLINARY SANCTIONS. The following definitions of disciplinary terms have been established and may be the sanctions imposed by the dean or by the Campus Judicial Council.

(1) Warning. Notice in writing that the student has violated university rules or regulations or has otherwise failed to meet the university's standard of conduct. Such warning will contain the statement that continuation or repetition of the specific conduct involved or other misconduct will normally result in one of the more serious disciplinary actions described below.

(2) Disciplinary probation. Formal action specifying the conditions under which a student may continue to be a student at the university including limitation of specified activities, movement, or presence on the CWU campus. The conditions specified may be in effect for a period of time or for the duration of the student's attendance at the university.

(3) Restitution. An individual student may be required to make restitution for damage or loss to university or other property and for injury to persons. Failure to make restitution will result in suspension for an indefinite period of time as set forth in subsection (4) below provided that a student may be reinstated upon payment.

(4) Suspension. Dismissal from the university and from status as a student for a stated period. The notice suspending the student will state in writing the term of the suspension and any condition(s) that must be met before readmission is granted. The student so suspended must demonstrate that the conditions for readmission have been met. There is to be no refund of fees for the quarter in which the action is taken, but fees paid in advance for a subsequent quarter are to be refunded.

(5) Deferred Suspension. Notice of suspension from the university with the provision that the student may remain enrolled contingent on meeting a specified condition. Not meeting the contingency shall immediately invoke the suspension for the period of time and under the conditions originally imposed.

(6) Expulsion. The surrender of all rights and privileges of membership in the college community and exclusion from the campus without any possibility for return.

NEW SECTION

WAC 106-120-033 READMISSION AFTER SUSPENSION. Any student suspended from the university under the provisions of the Student Judicial Code may be readmitted upon expiration of the time period specified in the document of original suspension.

If circumstances warrant reconsideration of the suspension prior to its time of expiration, the student may be readmitted following approval of a written petition submitted to the dean. Such petitions must state reasons

which either provide new evidence concerning the situation which resulted in the suspension, or demonstrate that earlier readmission is in the best interest of the student and the university. Approval for such readmission must be given by the dean or by the Campus Judicial Council.

Students who have been suspended and whose suspension upon appeal is found to have been unwarranted shall be provided full opportunity to reestablish their academic and student standing to the extent possible within the abilities of the university, including an opportunity to retake examinations or otherwise complete course offerings missed by reason of such action.

NEW SECTION

WAC 106-120-131 INITIATION, INVESTIGATION, AND DISPOSITION OF COMPLAINTS. The following rules will govern the processing of alleged violations of the proscribed conduct listed in the Campus Judicial Code.

(1) A complaint alleging misconduct against any student at the university may be filed by anyone at the office of the dean. Students, faculty members, administrators and other employees of the university shall have concurrent authority to request the commencement of the disciplinary proceedings provided for in this chapter. A person filing a complaint shall be complainant of record.

(2) Any student charged in a complaint shall receive oral or written notification from the dean. Such notice shall:

(a) Inform the student that a complaint has been filed alleging that the student violated specific provisions of the Students Judicial Code and the date of the violation(s); and

(b) Set forth those provisions allegedly violated; and

(c) Specify a time and date the student is required to meet with the dean; and

(d) Inform the student that failure to appear at the appointed time at the dean's office may subject the student to suspension from the university.

(3) When the dean meets with the student, the dean shall:

(a) Provide for the student a copy of the Student Judicial Code;

(b) Review the facts of the alleged violation with the student; and

(c) Conduct an investigation into the alleged violation.

(4) Upon completion of the review with the student and/or the investigation, the dean may:

(a) Drop the charges, when they appear to be invalid or without substance or capricious;

(b) Issue a verbal warning;

(c) Apply any of the sanctions as outlined in WAC 106-120-028 if such sanction is warranted by the evidence;

(d) Refer the case to the Campus Judicial Council; or

(e) Invoke the summary suspension procedure as outlined in WAC 106-120-143 when deemed appropriate.

The dean shall inform the student that the dean's sanction may be appealed to the Campus Judicial Council, and that if an appeal is made, the dean shall take no

action nor make any determination, except for summary suspension, in the matter other than to inform the student of the time, date, and location of the hearing by the Campus Judicial Council.

NEW SECTION

WAC 106-120-132 PROCEDURES FOR HEARING BEFORE THE CAMPUS JUDICIAL COUNCIL. (1) When a case is referred to the Campus Judicial Council the dean shall forward to the council:

(a) A statement describing the alleged misconduct;

(b) The name and address of the complainant;

(c) The name and address of the student charged; and

(d) All relevant facts and statements.

(2) The council chair shall call a special meeting of the council and arrange for a hearing in the following manner:

(a) The council shall determine the time and place of the hearing, which shall be at least ten days after delivery of written notice to the student. Time and place shall be set to make the least inconvenience for all interested parties. The chair may change the time and place of the hearing for sufficient cause.

(b) The council shall draw lots to determine a hearing board, consisting of four student members and two faculty members of the council, and the Chair acting as hearing officer.

(c) No case shall be heard unless the full membership of the hearing board is present.

(d) All cases will be heard de novo, whether the case be an appeal from a subsidiary judicial body or is heard as an original complaint.

(3) The council chair shall send written notice by certified mail of the hearing to the student to the student's last known address. The notice shall contain:

(a) A statement of the date, time, place and nature of the hearing;

(b) To the extent known, a list of witnesses who will appear; and

(c) A summary description of any documentary or other physical evidence that would be presented by the university.

(4) The student shall have all authority possessed by the university to obtain information he/she specifically describes in writing and tenders to the council chair no later than two days prior to the hearing or to request the presence of witnesses, or the production of other evidence relevant to the hearing. However, the university shall not be liable for information requested by the student or the presence of any witnesses when circumstances beyond the control of the university prevent the obtaining of such information or the attendance of such witnesses at the hearing.

(5) Hearings will ordinarily be held in closed session unless the Hearing Board determines there is a compelling reason for the hearing to be open, or the student requests an open hearing. A closed hearing shall include only members of the Hearing Board, persons directly involved in the hearing as parties and persons called as witnesses.

(6) The hearing shall be audio tape recorded, and the tape shall be on file at the office of the dean for a period of three years.

(7) The university shall be represented by the dean who shall present the university's case against the student.

(8) The student may be accompanied by counsel, or another third party, who may offer advice. If the student utilizes an attorney as advisor, the student must give to the dean two days notice of intent to do so. If the student elects to be advised by an attorney, the dean may elect to have the university advised by an assistant attorney general.

(9) The council chair shall insure that:

(a) The hearing is held in an orderly manner giving full care that the rights of all parties to a full, fair and impartial hearing are maintained.

(b) The charges and supporting evidence or testimony shall be presented first, and that there is full opportunity for the accused student to challenge the testimony and/or evidence, and to cross examine appropriately.

(c) The student charged shall next present evidence or testimony to refute the charge, and that there is full opportunity for the accuser to challenge testimony and/or evidence, and to cross examine appropriately.

(d) Only those materials and matters presented at the hearing will be considered as evidence. The hearing officer shall exclude incompetent, irrelevant, immaterial, and unduly repetitious evidence.

(10) Any person disruptive of the hearing or any other procedure described in this document may be excluded from the process by the chair of the Campus Judicial Council or by the dean, using such means as are necessary to insure an orderly process. Any student engaging in such interference shall be in contempt and may be summarily suspended from the university by the Campus Judicial Council or the dean immediately. The student shall be subject to a suspension or any lesser sanction as may be determined by the Campus Judicial Council or the dean at the time the interference takes place or within fifteen working days thereafter.

(11) The student has a right to a fair and impartial hearing, but the student's failure to cooperate with or attend a hearing procedure shall not preclude the committee from making its finding of facts, conclusions, and recommendations. Failure by the student to cooperate may be taken into consideration by the Campus Judicial Council and the dean in deciding the appropriate disciplinary action.

(12) Upon conclusion of the hearing, the hearing board in closed session shall consider all the evidence presented and decide by majority vote to exonerate the student or to impose one of the sanctions authorized by this document.

(13) The student shall be provided with a copy of the board's findings of fact and conclusions regarding whether the student did violate any rule or rules of the Student Judicial Code and the board's decision as to the appropriate sanction to be imposed.

(14) If a student charged with misconduct under this code has been charged with a crime for the same act or closely related acts by federal, state, or local authorities,

or if it appears that such criminal charge is under consideration, the Campus Judicial Council may postpone action on the complaint until there has been a disposition of the criminal charge or of the consideration of filing such charge. However, prior to action by other agencies, the council may proceed to hear and decide the case if in the judgment of the council, the nature of the alleged misconduct and the circumstances surrounding it pose a serious risk to the health or well being of the student or other members of the university. If there is a determination of guilt by the council and if the subsequent criminal proceedings result in a judgment of acquittal, the student may petition the Campus Judicial Council for a rehearing.

NEW SECTION

WAC 106-120-143 SUMMARY SUSPENSION PROCEEDINGS. The dean may summarily suspend any student from the university pending investigation, action of prosecution of charges of an alleged proscribed conduct violation or violations, if the dean has reason to believe that the student's physical or emotional safety and well-being, or the safety and well-being of other university community members, or the protection of property requires such suspension.

(1) If the dean finds it necessary to exercise the authority to summarily suspend a student the dean shall:

(a) Give to the student an oral or written notice of intent to determine if summary suspension is an appropriate action;

(b) Give an oral or written notice of the alleged misconduct and violation(s) to the student;

(c) Give an oral or written explanation of the evidence in support of the charge(s) to the student;

(d) Give an oral or written notice of the time and place of the summary suspension hearing before the dean; and

(e) Determine a time for the summary suspension hearing to be held within 36 hours;

(f) Give an oral or written explanation of the summary suspension which may be imposed on the student.

(2) At the place and time designated for the summary suspension hearing, the dean shall:

(a) Consider the evidence relating specifically to the probability of danger to the student, to others on the campus, or to property;

(b) Provide the student with an opportunity to show why continued presence on campus does not constitute a danger to the physical and emotional well being of self or others, or a danger to property;

(c) Give immediate oral notice of his decision to the student to be followed by written notice; and

(d) If summary suspension is warranted, summarily suspend the student for no more than 15 working days with a Judicial Council Hearing of the allegations to have commenced by the end of the suspension period.

(3) If a student has been instructed by the dean to appear for summary suspension proceedings and then fails to appear at the time designated, the dean may suspend the student from the university, and shall give written notice of suspension to the student at his last address of record on file with the university.

(4) During the period of summary suspension, the suspended student shall not enter the campus of the university other than to meet with the dean. However, the dean may grant the student special permission for the express purpose of meeting with faculty, staff, or students in preparation for a hearing before the Campus Judicial Council.

REPEALER

The following sections of the Washington Administration Code are each REPEALED:

- (1) WAC 106-120-001 RIGHTS AND RESPONSIBILITIES.
- (2) WAC 106-120-010 RIGHTS AND RESPONSIBILITIES OF STUDENTS.
- (3) WAC 106-120-011 INTERNAL SOLUTION TO PROBLEMS.
- (4) WAC 106-120-013 DEFINITIONS.
- (5) WAC 106-120-020 PROSCRIBED CONDUCT.
- (6) WAC 106-120-030 DISCIPLINARY SANCTIONS.
- (7) WAC 106-120-031 READMISSION AFTER SUSPENSION.
- (8) WAC 106-120-032 READMISSION AFTER SUSPENSION—REESTABLISHMENT OF ACADEMIC STANDING.
- (9) WAC 106-120-040 COMPLAINTS—DISPOSITION.
- (10) WAC 106-120-041 COMPLAINTS—DISPOSITION—PENDING CRIMINAL PROCEEDINGS FOR THE CAMPUS JUDICIAL COUNCIL.
- (11) WAC 106-120-042 NOTICE REQUIREMENTS.
- (12) WAC 106-120-043 MEETING WITH THE DEAN OF STUDENT DEVELOPMENT.
- (13) WAC 106-120-050 CAMPUS JUDICIAL COUNCIL.
- (14) WAC 106-120-051 MEMBERSHIP IN CAMPUS JUDICIAL COUNCIL.
- (15) WAC 106-120-053 QUORUM.
- (16) WAC 106-120-055 PROCEDURES FOR HEARING.
- (17) WAC 106-120-056 PROCEDURES FOR HEARING—ADMISSIBLE EVIDENCE.
- (18) WAC 106-120-057 PROCEDURES FOR HEARING—INTERFERENCE WITH PROCEEDINGS.
- (19) WAC 106-120-058 DECISION BY THE HEARING BOARD.
- (20) WAC 106-120-060 INITIATION OF SUMMARY SUSPENSION PROCEEDINGS.
- (21) WAC 106-120-061 PERMISSION TO ENTER OR REMAIN ON CAMPUS.
- (22) WAC 106-120-062 NOTICE OF SUMMARY SUSPENSION PROCEEDINGS.
- (23) WAC 106-120-064 DECISION BY DEAN.
- (24) WAC 106-120-066 SUSPENSION FOR FAILURE TO APPEAR.
- (25) WAC 106-120-200 PURPOSE OF THE RESIDENCE HALL ARBITRATION COUNCIL.

(26) WAC 106-120-210 THE RESIDENCE HALL ARBITRATION COUNCIL.

(27) WAC 106-120-220 MEMBERSHIP OF THE RESIDENCE HALL ARBITRATION COUNCIL.

(28) WAC 106-120-230 HEARING PROCEDURES.

(29) WAC 106-120-240 DISRUPTIONS OF A COUNCIL HEARING.

(30) WAC 106-120-250 ANNUAL REVIEW OF THE RESIDENCE HALL ARBITRATION COUNCIL.

(31) WAC 106-120-700 DEMONSTRATIONS ON CAMPUS.

(32) WAC 106-120-800 RIGHT TO FORM ORGANIZATION.

(33) WAC 106-120-900 STUDENT GOVERNMENT.

WSR 85-07-033

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

(Board of Natural Resources)

[Filed March 15, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Board of Natural Resources intends to adopt, amend, or repeal rules concerning the amending of WAC 332-22-105, initial lease for commercial, industrial, or residential uses by negotiation, to permit leasing by negotiation to authorize placement and maintenance of communication equipment in or on electronic site buildings and on electronic site towers.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 7, 1985.

The authority under which these rules are proposed is RCW 79.01.242.

The specific statute these rules are intended to implement is RCW 79.01.242.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 5, 1985

By: Brian J. Boyle

Secretary, Board of Natural Resources

STATEMENT OF PURPOSE

Title: WAC 332-22-105 Initial lease for commercial, industrial or residential uses by negotiation.

Purpose of the Proposed Amendment: To authorize placement and maintenance of communication equipment in or on electronic site buildings and on electronic site towers through leasing by negotiation.

Statutory Authority: RCW 79.01.242.

Summary of Rule: Establishes procedure for leasing by negotiation in or on communication facilities on state trust lands.

Proponent of Rules: Department of Natural Resources.

Agency Personnel Responsible for Drafting: Kenneth Solt, Manager, Lands Division, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, phone (206) 753-2989; Implementation and Enforcement: Art Stearns, Department Supervisor, Room 201, Public Lands Building, Department of Natural Resources, Olympia, Washington 98504, phone (206) 753-5331, and Kenneth Solt, Manager, Lands Division, Department of Natural Resources, Public Lands Building, Olympia, Washington 98504, phone (206) 753-2989.

Agency Comments: Competitive bidding through public auction is not practical for leasing of space in state communication facilities because the department can accommodate numerous applicants at any one time. The applicants ability to operate communication equipment in state facilities also requires a license from the Federal Communications Commission (FCC) therefore only certain applicants are qualified to lease. This change would allow leases in or on communication facilities to be entered into by negotiation.

Small Business Economic Impact Statement: The Department of Natural Resources proposes to adopt an amendment to WAC 332-22-105, Initial lease for commercial, industrial or residential uses by negotiation. Neither 20 percent of all industries nor 10 percent of one industry are significantly impacted by the proposed regulation amendment. The changes being considered will not alter the methods of establishing lease rentals. The change will significantly shorten the time required to obtain a lease.

AMENDATORY SECTION (Amending Order 439, Resolution No. 464, filed 9/10/84)

WAC 332-22-105 INITIAL LEASE FOR COMMERCIAL, INDUSTRIAL, OR RESIDENTIAL USES BY NEGOTIATION.

(1) The department may negotiate initial leases to authorize commercial, industrial, or residential uses on specific parcels of land zoned for such uses provided:

((+)) (a) Not more than one application is received by the department to lease the property.

((+)) (b) The department determines that a rent of at least fair market rental can be obtained through negotiation.

((+)) (c) The department publishes a notice of intent to lease which contains the legal description and zoning of the property, the office to which application to lease can be made, and the final date to submit a written request to lease. The notice shall be published not more than thirty days nor less than twenty days immediately preceding commencement of negotiation in two newspapers of general circulation in the locality of the state land, one of which shall be in the county where the land is located.

((+)) (d) The department shall report to the board of natural resources on each initial lease entered into by negotiation. The report shall include the fair market value of the property, rental and lease terms.

(2) The department may negotiate initial leases at fair market rental to authorize placement and maintenance of communication equipment in or on electronic site buildings and on electronic site towers.

WSR 85-07-034

WITHDRAWAL OF PROPOSED RULES LIQUOR CONTROL BOARD

[Filed March 18, 1985]

The board's notice of intention to adopt, amend, or repeal rules dated February 6, 1985, and bearing Notice No. WSR 85-04-061, is hereby withdrawn.

It is the board's intention to file a new notice of intention to adopt, amend, or repeal WAC 314-16-196.

L. H. Pedersen
Chairman

WSR 85-07-035

PROPOSED RULES

DEPARTMENT OF PERSONNEL (Personnel Board)

[Filed March 18, 1985]

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 shift differential provisions and compensation, amending WAC 356-15-060;

that the agency will at 10:00 a.m., Thursday, April 11, 1985, in the Board Hearings Room, Department of Personnel, 600 South Franklin 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 RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

This notice is connected to and continues the matter in Notice No. WSR 85-04-031 filed with the code reviser's office on February 1, 1985.

Dated: March 14, 1985

By: Leonard Nord
Secretary

WSR 85-07-036

ADOPTED RULES

BUILDING CODE ADVISORY COUNCIL

[Order 85-02—Filed March 18, 1985]

Be it resolved by the State Building Code Advisory Council, acting at the Large Auditorium at Sea-Tac International Airport, Seattle, Washington, that it does adopt the annexed rules relating to amendment to state regulations for barrier-free facilities, chapter 51-10 WAC.

This action is taken pursuant to Notice No. WSR 85-02-055 filed with the code reviser on January 2, 1985. 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 chapters 19.27 and 70.92 RCW and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 15, 1985.

By Lynn Carmichael
Chair

Reviser's note: The amendments to the state regulations for barrier-free facilities filed with this permanent order are not capable of being reproduced in the Register and are therefore omitted pursuant to RCW 34.04.050(3). Copies may be obtained from the Department of Community Development, Ninth and Columbia Building, MS: GH-51, Olympia, Washington 98504.

WSR 85-07-037
NOTICE OF PUBLIC MEETINGS
FOREST PRACTICES BOARD
[Memorandum—March 18, 1985]

Notice is hereby given to change the regular meeting schedule of the Forest Practices Board appearing in WSR 85-01-071. The location of the May 8, 1985, meeting and May 9, 1985, field trip is changed as follows:

- | | |
|-------|---|
| May 8 | Meeting - 1:00 p.m.
Holiday Inn
714 Lakeway Drive
Bellingham, Washington |
| May 9 | Field trip - 8:30 a.m.
Leaves from the
Holiday Inn
714 Lakeway Drive
Bellingham, Washington |

Additional information is available at the Division of Private Forestry and Recreation, 120 East Union Avenue, Room 109, Olympia, Washington 98504, (206) 753-5315. The schedule of remaining meetings and field trips remains unchanged.

WSR 85-07-038
NOTICE OF PUBLIC MEETINGS
OIL AND GAS
CONSERVATION COMMITTEE
[Memorandum—March 14, 1985]

The Washington Oil and Gas Conservation Committee will hold a public hearing on a request by Wilenco, Inc., Denver, Colorado, for a 160-acre spacing order to drill six to 10 gas exploration wells in northern Pierce County, Washington.

The company proposes to test the feasibility of producing commercial quantities of natural gas from underground coal seams on 14,000 acres of leased land.

The proposed order would allow the clustering of two to four test wells spaced 160 acres apart.

The hearing will be held at 8 a.m., Thursday, April 18, in the Energy Facility Site Evaluation Council Conference Room, Rowsix Office Complex, 4224 6th Avenue Southeast, Building #1, Lacey, WA.

Further information may be obtained by contacting Jerry Gilliland, Executive Secretary, Washington Oil and Gas Committee, care of Department of Natural Resources, Public Lands Building, Olympia, WA 98504, phone (206) 753-5836.

WSR 85-07-039
WITHDRAWAL OF PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed March 19, 1985]

WAC 139-08-014 was not adopted on December 13, 1984, pursuant to Notice No. WSR 84-21-019 filed October 8, 1984.

The commission does not intend to adopt this section number in the future.

James C. Scott
Executive Director

WSR 85-07-040
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
[Filed March 19, 1985]

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 admission and participation requirements for basic law enforcement academy attendee, adopting WAC 139-22-020;

that the agency will at 10:00 a.m., Thursday, June 13, 1985, in Cavanaugh's Inn at the Park, Spokane, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.101.080(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before June 1.

Dated: March 18, 1985
By: James C. Scott
Executive Director

STATEMENT OF PURPOSE

Rule: New section WAC 139-22-020 Admission and participation requirements for basic law enforcement academy attendee.

General Purpose of Rule: To exclude from the training commission's basic law enforcement academy program any individual who has committed, or has been convicted of, any felony offense or any offense involving moral turpitude.

Description, Summary, and Statutory Authority for Rule: This rule is based upon the authority of the training commission as provided by RCW 43.101.080 (2), (8) and (18), and accords the objectives of the academy and certification processes of the commission.

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 Garry E. Wegner, Assistant Director, Washington State Criminal Justice Training Commission, Mailstop PW-11, Olympia, WA 98504, phone 459-6342.

NEW SECTION

WAC 139-22-020 ADMISSION AND PARTICIPATION REQUIREMENTS FOR BASIC LAW ENFORCEMENT ACADEMY ATTENDEE. The Washington State Criminal Justice Training Commission is responsible for the conduct of the basic law enforcement academy and to therein certify, to and for the State of Washington, those officers who have demonstrated the ability and suitability requisite to law enforcement service and the public trust.

In accordance with that responsibility, and to ensure the continuing integrity and credibility of the basic academy program, no individual shall be granted academy admission or allowed continued participation if such individual, in adult status, has been convicted of a felony offense, or has been convicted of a gross misdemeanor or misdemeanor involving moral turpitude.

For this purpose, the term "convicted" shall include any disposition adverse to the subject, except a decision not to prosecute, a dismissal, or acquittal; provided, however, that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a disposition adverse to the subject.

Additionally, and for this purpose, the term "felony offense" shall include any act or omission which is classified as a felony by the laws of the jurisdiction in which such act or omission occurred, or for which imprisonment in a federal or state penitentiary could have been imposed.

It shall be the responsibility of each sponsoring or applying agency to request a search of state and national criminal history records information regarding its applicant through the submission of applicant's fingerprints to an appropriate action agency or agencies.

Each application for academy attendance shall be accompanied by a written attestation by the applying agency that (1) the aforementioned records search has been effected regarding the individual for which academy application is being made, and (2) that such search indicated the absence of any felony conviction or other disqualifying conviction.

No exception to, or variance from, the above requirements or the prohibition which is provided, will be granted without the approval of the Board on Law Enforcement Training Standards and Education.

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.

Washington, that it does adopt the annexed rules relating to management of dredge spoil disposal and disposal fees for Puget Sound and the Straits of Juan de Fuca.

We, the Board of Natural Resources, 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 immediate need to recover increased program costs.

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

This rule is promulgated pursuant to RCW 79.90.100 and is intended to administratively implement that statute.

This rule is promulgated under the general rule-making authority of the Department of Natural Resources as authorized in RCW 43.30.150.

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

APPROVED AND ADOPTED March 5, 1985.

By Brian J. Boyle
Commissioner of Public Lands
Chairman of the Board

AMENDATORY SECTION (Amending Order 343, filed 7/3/80)

WAC 332-30-166 OPEN WATER DISPOSAL SITES. (1) *Open water disposal sites are established primarily for the disposal of dredged material obtained from marine or fresh waters. These sites are generally not available for disposal of material derived from upland or dryland excavation except when such materials would enhance the aquatic habitat.*

(2) *Material may be disposed of on state owned aquatic land only at approved open water disposal sites and only after authorization has been obtained from the department. Applications for use of any area other than an established site shall be rejected. However, the applicant may appeal to the Interagency Open Water Disposal Site Evaluation Committee for establishment of a new site.*

(3) *Application for use of an established site must be for dredged material that meets the approval of federal and state agencies and for which there is no practical alternative upland disposal site or beneficial use such as beach enhancement.*

(4) *Authorization for use of the site will only be issued after certification by the environmental protection agency and the department of ecology that disposal of the material at the site will not have a significant adverse impact on the environment. In addition, all necessary federal, state, and local government permits shall be acquired before DNR grants permission to use the site, and any use authorization granted by DNR shall be subject to the terms and conditions of such permits.*

WSR 85-07-041

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

(Board of Natural Resources)

[Order 440, Resolution No. 477—Filed March 19, 1985]

Be it resolved by the Board of Natural Resources, acting at the Public Lands Building, Olympia,

DNR may suspend or terminate any authorization to use a site upon the expiration of any required permit.

(5) All leases for use of a designated site must require notification to DNR in Olympia twenty-four hours prior to each use. DNR Olympia must be notified five working days prior to the first use to permit an on-site visit to confirm with dump operator the site location.

((5)) (6) Pipeline disposal of material to an established disposal site will require special consideration.

((6-A)) (7) An application and a lease fee will be charged at a rate sufficient to cover all departmental costs associated with management of the sites. Fees will be reviewed and adjusted annually or more often as needed. A penalty fee may be charged for unauthorized dumping or dumping beyond the lease site. Army Corps of Engineers navigation channel maintenance projects are exempt from this fee schedule.

FEES

(a) Application fee

(i) Puget Sound and Strait of Juan De Fuca: \$.15 per cubic yard (c.y.) for the first 200,000 c.y.; Negotiated fee for project volumes exceeding 200,000 c.y.; Minimum fee \$2,000.00

(ii) Grays Harbor/Willapa Harbor: Minimum fee \$300.00

(b) Lease fee - \$100.00 all sites

(c) Penalty fee - \$5.00/cubic yard

((7)) (8) Open water disposal site selection. Sites are selected and managed by the department with the advice of the interagency open water disposal site evaluation committee (a technical committee of the aquatic resources advisory committee). The committee is composed of representatives of the state departments of ecology, fisheries, game, and natural resources as well as the Federal Army Corps of Engineers, National Marine Fisheries Service, Environmental Protection Agency, and Fish and Wildlife Service. The department chairs the committee. Meetings are irregular. The committee has developed a series of guidelines to be used in selecting disposal sites. The objectives of the site selection guidelines are to reduce damage to living resources known to utilize the area, and to minimize the disruption of normal human activity that is known to occur in the area. The guidelines are as follows:

(a) Select areas of common or usual natural characteristics. Avoid areas with uncommon or unusual characteristics.

(b) Select areas, where possible, of minimal dispersal of material rather than maximum widespread dispersal.

(c) Sites subject to high velocity currents will be limited to sandy or coarse material whenever feasible.

(d) When possible, use disposal sites that have substrate similar to the material being dumped.

(e) Select areas close to dredge sources to insure use of the sites.

(f) Protect known fish nursery, fishery harvest areas, fish migration routes, and aquaculture installations.

(g) Areas proposed for dredged material disposal may require an investigation of the biological and physical systems which exist in the area.

(h) Current velocity, particle size, bottom slope and method of disposal must be considered.

(i) Projects transporting dredged material by pipeline will require individual review.

(j) Placement of temporary site marking buoys may be required.

(k) The department will assure disposal occurs in accordance with permit conditions. Compliance measures may include, but are not limited to, visual or electronic surveillance, marking of sites with buoys, requiring submittal of operator reports and bottom sampling or inspection.

(l) Special consideration should be given to placing material at a site where it will enhance the habitat for living resources.

((+)) (m) Locate sites where surveillance is effective and can easily be found by tugboat operators.

((8)) (9) The department shall conduct such subtidal surveys as are necessary for siting and managing the disposal sites.

WSR 85-07-042

ADOPTED RULES

DEPARTMENT OF CORRECTIONS

[Order 85-07—Filed March 19, 1985]

I, Amos E. Reed, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

New	ch. 137-52 WAC	Residents of adult correctional institution escorted leave of absence.
Rep	ch. 275-85 WAC	Residents of adult correctional institutions escorted leave of absence.

This action is taken pursuant to Notice No. WSR 85-03-104 filed with the code reviser on January 23, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.01.380 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
APPROVED AND ADOPTED March 1, 1985.

By Amos E. Reed
Secretary

Chapter 137-52 WAC
RESIDENTS OF ADULT CORRECTIONAL INSTITUTION ESCORTED LEAVE OF ABSENCE

NEW SECTION

WAC 137-52-005 PURPOSE. The purpose of this chapter is to set forth the reasons for and conditions under which a superintendent may extend the limits of confinement under the authority of RCW 72.01.370.

NEW SECTION

WAC 137-52-010 DEFINITIONS. (1) "Escorted leave" is an approved leave of absence by an inmate from a correctional facility under the continuous supervision of trained correctional staff.

(2) "Immediate family" includes an inmate's parents, stepparents, parent surrogates, legal guardians, spouse, brothers, sisters, half or step-brothers or sisters, children, stepchildren, and dependents whether or not in direct lineal relationship to the inmate.

(3) "Indigent" shall be understood to mean an inmate who has not been credited with five dollars or more total from any source(s) for deposit to the inmate's trust fund account during the thirty days preceding the request for an escorted leave and has less than a five dollar balance in his/her trust fund account on the day the escorted leave is requested, or together with his/her immediate family cannot post a five hundred dollar bond to secure the repayment of the expenses of the escorted leave on the day the escorted leave is requested. A declaration of indigency shall be signed by the inmate and the inmate's family on forms provided by the department.

(4) "Director" means the director of the division of prisons or his/her designee(s).

(5) "Superintendent" means the superintendent of a state correctional institution, state honor camp, or other penal institutions as now or hereafter established under the jurisdiction of the department of corrections pursuant to law or his/her designee.

(6) "Department" means the department of corrections.

(7) "Secretary" means the secretary of the department of corrections or his/her designee(s).

(8) "Nonviolent offender" means any person convicted of a felony not classified as a violent offense under chapter 9.94A RCW.

NEW SECTION

WAC 137-52-015 REASONS ALLOWED. An escorted leave may be granted by the superintendent to extend limits of confinement into the community to permit an inmate to:

(1) Receive necessary medical or dental care which is not available in the institution;

(2) Visit a seriously ill member of the inmate's immediate family or attend the funeral of a member of the inmate's immediate family upon verification, by the superintendent, of such illness or death;

(3) Participate in athletic contests as a member of a group or team only if the inmate is in minimum custody; or

(4) Participate in supervised work of the department to include industrial, educational, and agricultural programs;

(5) Participate as a volunteer in community service work projects, which are approved by the superintendent for selected minimum custody nonviolent offenders, if such work project is requested by the local community.

NEW SECTION

WAC 137-52-020 CONDITIONS. (1) An escorted leave shall be authorized only for trips within the boundaries of the state of Washington.

(2) The duration of an escorted leave to the bedside of a seriously ill member of the inmate's immediate family or attendance at a funeral shall not exceed forty-eight hours unless otherwise approved by the superintendent.

(3) The duration of escorted leaves granted for reasons other than those mentioned in WAC 137-52-015(2) shall not exceed the normal work day (eight hours) with the exception of extended medical treatment requiring placement at a local hospital.

(4) The inmate shall be in the visual or auditory contact of an approved correctional staff member at all times and shall be considered under the custody of the superintendent.

(5) The inmate shall be housed in a city or county jail or state institution at all times when not in transit or actually engaged in the activity for which the escorted leave was granted.

(6) An agreement for reimbursement for expenses not to be paid by the state and escort arrangements must be established in advance of the requested date of escorted leave.

(7) County and city law enforcement agencies with jurisdiction in the area of the inmate's destination shall be notified by the superintendent before allowing any escorted leave of absence under RCW 72.01.375.

NEW SECTION

WAC 137-52-025 APPLICATION REQUESTS FOR ESCORTED LEAVE. The superintendent of each institution shall establish procedures governing the method of handling requests by individual inmates or the institution for an escorted leave of absence. Each leave request will be evaluated within forty-eight hours. If the leave request is initiated by the institution, the superintendent will advise the inmate of the reason for the escorted leave, including leaves for family emergency or medical requirement.

NEW SECTION

WAC 137-52-030 APPROVAL. Escorted leaves for medium and minimum custody inmates shall be approved or denied by the superintendent. Escorted leaves for close and maximum custody inmates, with the exception of emergency medical or dental treatment, shall be approved by the secretary. In approving a request for escorted leave, the following factors will be considered:

(1) The nature of the emergency or request for escorted leave;

(2) The community risk associated with granting the request for an escorted leave based on the security or escape risk;

(3) The inmate's overall history of stability and any tendencies toward violent disruptive behavior;

(4) Any history of unusual disciplinary problems;

(5) The inmate's degree of trustworthiness as demonstrated by his/her performance in work assignments and maintenance of a clear disciplinary record;

(6) Any significant health problems that might be aggravated as a result of the leave; and

(7) Such other information as may be deemed relevant.

NEW SECTION

WAC 137-52-035 ESCORT PROCEDURES. (1) Only correctional staff approved by the superintendent will be authorized to serve as escorts. Single escorts must have attained permanent employee status. At least one experienced, permanent status employee will accompany all inmates on escorted leave.

(2) Medium and close custody inmates shall be escorted by at least two correctional staff. No more than five medium/close inmates may be escorted with two correctional staff. Maximum custody inmates will be escorted in ratio of two staff to one inmate. Medium, close, and maximum custody inmates shall be escorted in hand and leg restraints. Inmates in these custody levels shall be escorted with at least one staff member carrying a sidearm and safely separated from a second officer who will be the immediate escort for the inmate. The unarmed officer may be the immediate supervisor, counselor, or other state correctional staff approved by the superintendent. Only with the approval of the superintendent will escorts remove waist and leg restraints from inmates.

(3) Minimum custody inmates shall be escorted under circumstances deemed appropriate by the superintendent. Correctional staff may be instructed to wear their uniforms and sidearms in appropriate circumstances.

(4) A correctional officer serving as escort may wear civilian clothing when escorting an inmate to a bedside visit or a funeral unless otherwise directed by the superintendent.

NEW SECTION

WAC 137-52-040 EXPENSES. (1) Correctional staff assigned escort duties shall be authorized per diem reimbursement for meals, lodging, and transportation at the rate established by the departmental travel policy.

(2) Correctional staff assigned escort responsibility shall receive appropriate compensation at regular salary or overtime for all hours spent in actual escort of the inmate, but not including hours sleeping or not engaged in direct supervision of the inmate. The salary shall be paid at the appropriate straight time and overtime rates as provided in the Merit System Rules.

(3) Cost of housing the inmate in a city or county jail when not in transition or actually engaged in the activity for which the escorted leave was granted shall be charged the inmate in accordance with WAC 137-52-045.

NEW SECTION

WAC 137-52-045 EXPENSES—PAID BY INMATE. (1) The expenses of the escorted leave as enumerated in WAC 137-52-040 shall be reimbursed by

the inmate or his/her immediate family unless the superintendent has authorized payment at state expense in accordance with WAC 137-52-050.

(2) Payments by the inmate, inmate's immediate family, or bonding company shall be made to the institution's business office and applied to the appropriate fund as defined by law, applicable provisions of the Washington Administrative Code, or department policy.

NEW SECTION

WAC 137-52-050 EXPENSES—PAID BY DEPARTMENT. The expenses of the escorted leave shall be absorbed by the state if:

(1) The inmate and his/her immediate family are indigent in accordance with WAC 137-52-010(3); or

(2) The expenses were incurred for the purpose of the inmate's participation in a program activity, academic or vocational activity, work activity, or to secure medical care; or

(3) The expenses were incurred as a result of a reclassification of an inmate and the return of such inmate from a minimum custody facility to a more secure facility.

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 275-85-005 ESCORTED LEAVE OF ABSENCE—DEFINITIONS.

WAC 275-85-010 ESCORTED LEAVE OF ABSENCE—PURPOSE.

WAC 275-85-015 ESCORTED LEAVE OF ABSENCE—REASONS ALLOWED.

WAC 275-85-020 ESCORTED LEAVE OF ABSENCE—CONDITIONS.

WAC 275-85-025 ESCORTED LEAVE OF ABSENCE—APPLICATION.

WAC 275-85-030 ESCORTED LEAVE OF ABSENCE—APPROVAL.

WAC 275-85-035 ESCORTED LEAVE OF ABSENCE—ESCORT.

WAC 275-85-040 ESCORTED LEAVE OF ABSENCE—EXPENSES.

WAC 275-85-045 ESCORTED LEAVE OF ABSENCE—EXPENSES—PAID BY RESIDENT.

WAC 275-85-050 ESCORTED LEAVE OF ABSENCE—EXPENSES—PAID BY STATE.

WSR 85-07-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed March 19, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal

rules concerning Food stamps—Income—Definitions, amending WAC 388-54-725;

that the agency will at 10:00 a.m., Wednesday, May 8, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 15, 1985.

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 May 8, 1985.

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 Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by April 24, 1985. The meeting site is in a location which is barrier free.

Dated: March 19, 1985

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045. Amending WAC 388-54-725.

Purpose of the Rule Change: To delete a PA mandatory deduction for intentional failure to comply as an income exclusion.

The Reason These Rules are Necessary: Federal regulations.

Statutory Authority: RCW 74.04.510.

Summary of the Rule Change: For food stamp computations, a PA mandatory deduction will be added as income in computing food stamps.

Person Responsible for the Drafting, Implementation and Enforcement of the Rule: Duane Kerr, Program Manager, Division of Income Assistance, mailstop OB 31C, phone 753-4918.

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

AMENDATORY SECTION (Amending Order 1905, filed 11/18/82)

WAC 388-54-725 INCOME—DEFINITIONS. (1) Earned income shall include:

(a) All wages and salaries of an employee.

(b) Total gross income from a self-employment enterprise including the total gain from the sale of any capital goods or equipment related to the business, excluding the cost of doing business.

(i) Payments from a roomer or boarder.

(ii) Returns on rental property, only if the household member is engaged in management of said property at least an average of twenty hours a week.

(c) Training allowances from vocational and rehabilitative programs recognized by federal, state, or local governments, such as WIN or CETA, to the extent ~~((they))~~ training allowances are not a reimbursement.

(d) Payments under Title I (Vista, University Year for Action, etc.) of the Domestic Volunteer Service Act of 1973 ~~((Public Law))~~ P.L. 93-113 Statute, as amended.

(e) Payments of earned income tax credit (EIC).

(2) Unearned income shall include but not be limited to:

(a) Payments received from federally-aided public assistance programs, general assistance, or other assistance programs based on need.

(b) Moneys withheld from public assistance for purposes of recouping an overpayment resulting from the household's intentional failure to comply with the public assistance program's requirement.

(c) An annuity, pension, retirement, veteran's, or disability benefit; workmen's or unemployment compensation; and old-age or survivor's benefits; or strike benefits.

~~((f))~~ (d) The total payment to a household on behalf of a legally-assigned foster child or adult.

~~((g))~~ (e) Support and alimony payments from nonhousehold members made directly to the household.

~~((h))~~ (f) Scholarships, educational grants (including loans on which repayment is deferred), fellowships, and veteran's education benefits in excess of amounts excluded. Such income shall be averaged over the period ~~((which))~~ it is intended to cover.

~~((i))~~ (g) Payments received from government-sponsored programs.

~~((j))~~ (h) Dividends, interest, royalties, and all other direct money payments which are gain or benefit.

~~((k))~~ (i) Gross income minus cost of doing business derived from rental property in which a household member is not actively engaged in the management of the property at least twenty hours a week.

(3) The following items shall be disregarded as income:

(a) Moneys withheld voluntarily or involuntarily from an assistance payment except for a mandatory deduction resulting from the household's failure to comply, earned income, or other source to repay a prior overpayment.

(b) Child support payments received by AFDC recipients which must be transferred to support enforcement.

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 85-07-044

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Filed March 19, 1985]

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 certificate of need, amending chapter 248-19 WAC;

that the agency will at 10:00 a.m., Wednesday, May 22, 1985, in the Auditorium, Office Building #2, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 31, 1985.

The authority under which these rules are proposed is RCW 70.38.135.

The specific statute these rules are intended to implement is chapter 70.38 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 22, 1985.

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 Administrative Regulations Section, at State Office Building #2, 12th and Franklin, Olympia, WA, phone (206) 753-7015 by May 8, 1985. The meeting site is in a location which is barrier free.

Dated: March 18, 1985

By: David A. Hogan, Director

Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Subject: Amending chapter 248-19 WAC.

Purpose of the Amendment: To comply with changes in chapter 70.38 RCW, to modify project review procedures, and to amend certificate of need coverage of home health agencies.

The rules are necessary for conformance with chapter 70.38 RCW, and to improve project review procedures.

Statutory Authority: Chapter 70.38 RCW.

Summary of Rule Changes: WAC 248-19-210 Program purpose. Elimination of redundant language on program purpose stated in RCW 70.38.015; 248-19-220 Definitions. Major changes include: (18) Ex parte contact - new definition, (26) Home health agency - change definition, (27) Home health services - new definition, (32) Institutional health services - change definition, and (46) Regional health service - new definition, other housekeeping changes; 248-19-230 Applicability of chapter 248-19 WAC. Description of projects subject to and exempt from certificate of need review; 248-19-270 Letter of intent. Change in requirements for letters of intent. Criteria for determining projects subject to concurrent review; 248-19-280 Submission and withdrawal of applications. (1) through (5) - housekeeping changes; 248-19-295 Amendment of certificate of need applications - new section. This section includes procedures for amendment of certificate of need applications which have been struck from other WAC sections, and adds provisions for amending applications subject to concurrent review; 248-19-300 Categories of review. (1) and (2) - amendments to this section deal with different review paths for different types of projects; 248-19-310 Notification of beginning of review. (1) through (3) - changes in notification requirements when a certificate of need application review period begins; 248-19-320 Public hearings. (1) through (7) - include housekeeping changes on the public hearing component of the certificate of need review process; 248-19-326 Ex parte contact. This new section sets forth limitations on communications between parties in certificate of need

reviews after the conclusion of review activities of the regional health systems agencies and the Hospital Commission; 248-19-327 Concurrent review process. This new section sets forth the types of projects for which DSHS may publish concurrent review schedules (1), and procedural requirements for applications subject to concurrent review (2) through (4); 248-19-330 Regular review process, 248-19-340 Expedited review process, and 248-19-350 Emergency review process. Housekeeping amendments on the process for applications subject to regular, expedited and emergency review; 248-19-400 Determination of cost containment. Changes in this section amend cost containment review criteria. This criterion change recognizes that "efficiency" is a consideration in determining whether a project is superior to alternative means of meeting identified needs. This criterion change adds the consideration of the "scope" (size) of a construction project in determinations that such a project fosters the containment of health care costs. The preexisting criterion concerning special needs of health care facilities with respect to energy conservation is unnecessary and thus eliminated, this because energy conservation is also included as a consideration in cost containment review criterion WAC 248-19-400 (2)(a). The existing criterion concerning project "efficiency" and "productivity" is unnecessary and thus eliminated, this because these considerations are dealt with in the context of review criterion of WAC 248-19-400(1). New review criterion WAC 248-19-400(4) implements the substantive content of RCW 70.38.115 (2)(f); 248-19-403 Major medical equipment not owned by or located in a health care facility. (1) through (5) - housekeeping changes; 248-19-405 Exemption from requirements for a certificate of need, 248-19-410 Review and action on HMO projects, 248-19-415 Projects proposed for the correction of deficiencies, 248-19-420 Written findings and actions on certificate of need applications, and 248-19-430 Provision for reconsideration decision. All these sections include housekeeping changes; 248-19-440 Issuance, suspension, denial, revocation and transfer of a certificate of need. (6)(d) - this change references substantive review criteria in WAC 248-19-370, 248-19-380, 248-19-390 and 248-19-400 which are to be considered in determining whether or not a certificate of need issued to one person should be transferred to another; 248-19-450 Circumstances for withdrawing an amended certificate of need. Housekeeping changes; 248-19-460 Validity and extension. (2) - "substantial and continuing progress" toward commencement toward a construction project is described; and 248-19-470 Monitoring of approved projects, 248-19-475 Withdrawal of a certificate of need, and 248-19-480 Right and notice of appeal. Housekeeping changes.

Person Responsible for the Enforcement of the Rules: Frank Chesnut, Director, Certificate of Need Program, mailstop ET-33, phone (206) 753-5854.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

Reviser's note: The material contained in this filing will appear in the 85-08 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 85-07-045
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed March 19, 1985]

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 confidential license plates, adding new WAC 308-96A-080, 308-96A-085, 308-96A-090, 308-96A-095 and 308-96A-097;

that the agency will at 11:00 a.m., Tuesday, April 23, 1985, in the 1st Floor Conference Room, 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 RCW 46.08.066.

The specific statute these rules are intended to implement is RCW 46.08.066.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 22, 1985.

Dated: March 14, 1985

By: Sandra L. Brooks
 Administrator

STATEMENT OF PURPOSE

Name of Agency: Washington State Department of Licensing.

Purpose: The purpose of these rules is to clarify procedures and requirements regarding issuance and administration of confidential license plates.

Statutory Authority: RCW 46.08.066.

Summary: WAC 308-96A-080 delineates the application documentation requirements for confidential plates; 308-96A-085 indicates who within government agencies may make application for the plates and who will serve as a point of contact; 308-96A-090 requires an annual inventory of confidential plates be conducted with lists forwarded to the Department of Licensing; 308-96A-095 indicates unneeded confidential plates are to be returned to the Department of Licensing; and 308-96A-097 specifies that confidential license plate information is to be kept confidential.

Reason Proposed: These rules are proposed to provide guidance involving confidential license plates and to prescribe procedures and controls in their administration.

Responsible Agency Personnel: Sandra Brooks, Administrator, Title and Registration Control, Department of Licensing, Second Floor, Highways-Licenses Building, Olympia, WA 98504, phone (206) 753-6920 comm, 234-6920 scan.

Proponents: These rules are proposed by the director of the Department of Licensing.

Small Business Economic Impact: Not required since these rules do not impact small businesses as defined in RCW 43.31.920.

NEW SECTION

WAC 308-96A-080 CONFIDENTIAL LICENSE PLATES—APPLICATION PROCEDURES. (1) Every request for confidential license plates shall be made in writing, on stationery of the requesting agency, to the department of licensing, and shall be accompanied by the following:

(a) An application for confidential license plates, on a form furnished by the department;

(b) Except for those confidential plates authorized by RCW 46.08.066(3), by an explanation in support of the request for confidential license plates, on a form furnished by the department, setting forth the purposes for which the plates will be used, and why confidential license plates are necessary to accomplish this purpose;

(c) Copies of documents establishing that the vehicle is owned or controlled by the agency requesting issuance of confidential license plates; acceptable documents include, but are not necessarily limited to, current certificate of title or registration, manufacturer's statement of origin, and court orders or seizure documents;

(d) Such other documentation as the department may reasonably require.

(2) The request, application, and explanation shall be signed by the agency head or an individual designated by the agency head as the authorized contact person as provided in WAC 308-96A-085.

(3) Every request for confidential license plates will be reviewed on an individual basis to ensure compliance with RCW 46.08.066. The department has the authority to reject or refuse applications which do not conform to the provisions of the referenced statute, and rules and regulations of the department.

(4) Applications for confidential license plates to be used for the personal security of a public official or employee will be forwarded by the department to the Washington state patrol for review and recommendation prior to final determination by the department.

NEW SECTION

WAC 308-96A-085 CONFIDENTIAL LICENSE PLATES—AGENCY CONTACT. (1) Except as provided in subsection (2) of this section, the only person authorized to request issuance of confidential license plates or sign correspondence pertaining to the confidential plate licensing program, is the agency head, which shall include regional federal agency administrators and military commanding officers.

(2) The agency may designate a maximum of two individuals as contact persons authorized to apply for confidential plates and sign correspondence pertaining to the confidential plate licensing program.

(3) The agency head must submit information to the department of licensing, on a form provided by the department, indicating the name, title, address and telephone number of each contact person authorized to apply for confidential license plates.

(4) Upon removal or replacement of an agency head or designated contact person, the department of licensing shall be notified in writing within five days of the change, and a new form as indicated in subsection (3) of this section shall be forwarded to the department.

NEW SECTION

WAC 308-96A-090 CONFIDENTIAL LICENSE PLATES—ANNUAL INVENTORY. (1) At least once each year, at a time designated by the department of licensing, each agency having confidential license plates in its possession shall furnish an inventory of the confidential license plates to the department. The inventory shall include:

(a) A list of confidential license plates in alphabetical order;

(b) The make, year of manufacture and identification number of each vehicle bearing confidential license plates;

(c) A certification, signed by the agency head or designated contact person, that all plates issued to the agency are being utilized solely for those purposes specified by RCW 46.08.066.

NEW SECTION

WAC 308-96A-095 CANCELLATION OF CONFIDENTIAL LICENSE PLATES. (1) When an agency no longer requires a set of

confidential license plates, the plates and fictitious registration are to be returned to the confidential plate program administrator at the department of licensing for deletion from the agency's inventory.

(2) The department of licensing may cancel or refuse to reissue confidential license plates when it has reasonable grounds to believe that the plates are being used for purposes not authorized under RCW 46.08.066, or otherwise believes continued issuance of the plates would violate the intent or meaning of the referenced statute.

NEW SECTION

WAC 308-96A-097 CONFIDENTIAL LICENSE PLATES—RECORDS DISCLOSURE. (1) In accordance with RCW 42.17.310(2), files, records, documents, and any other information pertaining to the confidential licensing program shall be exempt from public inspection and copying, as such disclosure would be contrary to vital government interests.

(2) Information concerning the confidential license plates issued to any particular agency shall not be released, except to the agency head or the designated contact person(s).

(3) Nothing herein shall be construed to prohibit the disclosure of statistical information which is not descriptive of the identity of the confidential vehicle or its usage.

WSR 85-07-046
ADOPTED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Order PL 524—Filed March 19, 1985]

Be it resolved by the Washington State Board of Dental Examiners, acting at Seattle, Washington, that it does adopt the annexed rules relating to preclinical exam waiver, repealing WAC 308-40-111.

This action is taken pursuant to Notice No. WSR 85-06-007 filed with the code reviser on February 22, 1985. 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 Board of Dental Examiners as authorized in RCW 18.32.040.

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

APPROVED AND ADOPTED March 15, 1985.

By John C. Gould, DDS
President

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-40-111 PRECLINICAL EXAM WAIVER.

WSR 85-07-047
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2216—Filed March 20, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Food stamps—Overpayment, amending WAC 388-54-850.

This action is taken pursuant to Notice No. WSR 85-04-053 filed with the code reviser on February 5, 1985. 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 March 20, 1985.

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

AMENDATORY SECTION (Amending Order 2032, filed 10/6/83)

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

(a) An administrative error overpayment is an overpayment caused solely by department action or failure to act when the household had properly and accurately reported all the household's circumstances to the department.

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

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

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

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

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

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

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

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

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

(3) Amount of overpayment.

(a) When the department discovers an administrative error or inadvertent household error overpayment occurred in the prior twenty-four months or discovers an intentional program violation in the prior seventy-two months, the department shall calculate the allotment the household should have been authorized. The date of discovery shall be the month the overpayment is calculated by completion of the food stamp claim determination report (DSHS 5-07).

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

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

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

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

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

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

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

(a) Lump sum.

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

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

(b) Installments.

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

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

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

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

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

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

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

(C) When a household member requests renegotiation and the department determines the member's economic circumstances have not changed enough to warrant a different schedule, the department shall inform the member of this determination and (~~((that))~~) the most recently agreed upon schedule remains in effect.

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

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

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

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

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

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

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

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

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

(c) Reduction in food stamp allotment.

(i) Administrative error overpayment.

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

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

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

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

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

(7) The department shall suspend collection action when:

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

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

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

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

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

WSR 85-07-048
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2217—Filed March 20, 1985]

I, David A. Hogan, director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Decision rendering procedure—Proposal for decision, amending WAC 388-08-406.

This action is taken pursuant to Notice No. WSR 85-04-052 filed with the code reviser on February 5, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 34.04.020 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 20, 1985.

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

AMENDATORY SECTION (Amending Order 2076, filed 2/17/84)

WAC 388-08-406 DECISION-RENDERING PROCEDURE—PROPOSAL FOR DECISION. (1) ~~((Any party adversely affected by a proposal for decision may file written argument and exception with the office of hearings. Written argument and exception must be filed in ten days or less from the date the proposal for decision was mailed to the parties))~~ In ten days or less from the mailing of the proposal for decision, an interested party may file written exceptions and argument against the proposal for decision with the secretary or his or her designee. The exceptions and argument must set forth in detail the basis for the requested review and be mailed postage prepaid to the office of hearings and to the other party and that party's representative at their last known addresses.

(a) ~~The ten-day period to file exception and argument may be extended by the ((review judge)) secretary or designee upon motion of a party when the motion is filed during the ten-day period and good cause for the extension is shown.~~

(b) ~~The ten-day time limit for filing exception and argument to a proposal for decision may be waived by the ((review judge)) secretary or designee where the petitioner demonstrates good cause for failure to timely file. Good cause includes mistake, inadvertence, and excusable neglect on the part of petitioner or unavoidable casualty or misfortune preventing the petitioner from timely filing. Upon a showing of good cause, either party may file exception and argument within thirty days of the date the final decision was mailed to the parties.~~

~~(2) ((The secretary or his or her designee shall personally consider the whole record or such portions of the record as cited by a party or parties in the exception and argument. The secretary or designee shall render the final department decision))~~ Exceptions and argument shall be based on any one or more of the following grounds materially affecting the substantial rights of the party:

(a) Irregularity in the proceedings by which the petitioning party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the administrative law judge, and/or

(b) A finding or findings of fact are unsupported by substantial evidence in view of the entire record, and/or

(c) An error or errors of law, and/or

(d) Need for clarification in order for the parties to implement the decision.

(3) The other party may respond in writing to the exceptions and argument. The response must be mailed within seven days of the date the exceptions and argument were mailed to the other party. The seven-day response period may be extended by the secretary or designee on his or her own motion or the motion of a party. The response shall be mailed postage prepaid to the office of hearings and to the petitioner or, if represented, to the representative at his or her last known address.

(4) The secretary or designee may permit additional oral or written argument upon the motion of a party or the reviewing officer's own motion.

~~((3))~~ (5) The secretary or ((his or her)) designee may accept additional evidence to correct omissions in the record upon his or her own motion or the motion of a party.

(6) The secretary or designee shall personally consider the whole record or such portions of the record as cited by a party or parties in the exception and argument.

~~((4))~~ (7) The secretary or ((his or her)) designee may remand the proceedings to the administrative law judge for additional evidence or argument if:

(a) Neither party cited the law correctly applicable to the issue or issues defined at the hearing and additional evidence or argument is needed to reach a reasoned decision.

(b) Irregularity in the proceedings occurred by which the party seeking review was prevented from having a fair hearing and additional evidence or argument is necessary to cure the irregularity, or

(c) The secretary or ((his or her)) designee considers a remand necessary ((and both parties assent to the remand)).

(8) The secretary or designee shall not substantially modify the proposal for decision unless, in the reasoned opinion of the reviewing officer:

(a) Irregularity in the proceedings occurred by which a party was prevented from having a fair hearing. This includes misconduct by the prevailing party and misconduct or abuse of discretion by the administrative law judge, and/or

(b) The proposed findings of fact are unsupported by substantial evidence in view of the entire record, and/or

(c) The application of law in the proposed conclusions is erroneous; and/or

(d) There is need for clarification in order for the parties to implement the decision.

(9) The secretary or designee may issue a proposed final decision.

(10)(a) The secretary's or designee's decision shall identify any substantial difference between it and the proposal for decision.

(b) The secretary's or designee's decision may incorporate all or part of the proposal for decision by reference.

(c) The secretary's or designee's final decision shall be effective on the date of filing. The reviewing officer shall file the original of the decision in the record of the proceedings and shall mail copies to the parties and their representatives.

WSR 85-07-049

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2218—Filed March 20, 1985]

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 388-92-015 Eligibility determination—SSI.

Amd WAC 388-99-010 Persons eligible for medically needy assistance.

This action is taken pursuant to Notice No. WSR 85-04-048 filed with the code reviser on February 4, 1985. 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 March 20, 1985.

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

AMENDATORY SECTION (Amending Order 2073, filed 2/1/84)

WAC 388-92-015 ELIGIBILITY DETERMINATION—SSI. (1) For the purposes of medical assistance related to SSI, the applicant must be:

(a) Age 65 or over; or

(b) Blind, with central visual acuity of 20/200 or less in the better eye with the use of a correcting lens, or with a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees; or

(c) Disabled, that is, unable to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or which has lasted or can be expected to last for a continuous period of not less than 12 months or, in the case of a child under the age of 18, if he suffers from any medically determinable physical or mental impairment of comparable severity. Decisions on SSI related disability are the responsibility of the office of disability insurance benefits, division of medical assistance.

(d) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for medicaid as categorically needy.

(2) A resident of Washington who requires medical assistance outside the United States will be provided care according to chapter 388-82 WAC.

(3) The applicant and/or recipient must be resource eligible (see WAC 388-92-050) on the first day of the month to be eligible for any day or days of that month. The resource determination is made as of the first moment of the first day of the month. Changes in the amount of countable resources during a month do not affect eligibility or ineligibility for that month.

AMENDATORY SECTION (Amending Order 2191, filed 1/17/85)

WAC 388-99-010 PERSONS ELIGIBLE FOR MEDICALLY NEEDY ASSISTANCE. Medically needy refers to a resident of the state of Washington whose income and/or resources are above the limits prescribed for the categorically needy and who meets the resource limits of the SSI program and is:

(1) Related to aid to families with dependent children (AFDC). See chapter 388-83 WAC.

(2) Related to supplemental security income (SSI). See chapter 388-92 WAC.

(3) Related to state supplementary payment program (SSP).

(4) Under age twenty-one and in:

(a) Foster care, or

(b) Subsidized adoption, or

(c) Skilled nursing facility, intermediate care facility, intermediate care facility/mentally retarded,

(d) An approved inpatient psychiatric facility.

(5) Aged, blind, or disabled and residing in a medical facility with income above the three hundred percent of the SSI benefit cap.

(6) The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse if:

(a) The ineligible spouse is related to the SSI program due to being aged, blind, or disabled; and

(b) The ineligible spouse is not receiving an SSI payment in his/her own right; and

(c) The income of the couple, including SSI payment, are considered.

(7) A child under five years of age, born after September 30, 1983.

WSR 85-07-050
PROPOSED RULES
OLYMPIC COLLEGE
[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Olympic College intends to adopt, amend, or repeal rules concerning regular meetings of the board of trustees, WAC 132C-104-060;

that the institution will at 7:30 p.m., Tuesday, May 28, 1985, in A-103, Olympic College, Main Campus, 16th and Chester, Bremerton, Washington 98310-1699, 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 the Olympic College board of trustees and RCW 28B.50.140.

The specific statute these rules are intended to implement is chapter 42.30 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before May 28, 1985.

Dated: March 1, 1985

By: Donna M. Allen

Dean of Administrative Services

Administrative Assistant to the President

STATEMENT OF PURPOSE

WAC 132C-104-060 Regular meetings of the board of trustees.

Statutory Authority: Chapter 28B.50 RCW.

Specific Statute: Chapter 42.30 RCW.

The rule is being changed in order to change the location for the monthly meetings of the board of trustees. This is necessary because the meeting room for the board of trustees is changing from Art Lecture Room A-103, to Board Room, College Service Center.

Person Responsible for Drafting, Implementation and Updating of the Rule: Donna M. Allen, Dean of Administrative Services/Administrative Assistant to the President, Olympic College, 16th and Chester, Bremerton, Washington 98310-1699.

Organization Proposing the Rule Change: Olympic College, 16th and Chester, Bremerton, Washington 98310-1699, a public agency.

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

AMENDATORY SECTION (Amending Order 20, Resolution 48-0678, filed 8/7/78)

WAC 132C-104-060 REGULAR MEETINGS OF THE BOARD OF TRUSTEES. One regular meeting of the board of trustees shall be held each month. This meeting shall be held on the fourth Tuesday (~~(of the month)~~) of each month and begin at 7:30 p.m., in the (~~(Art Lecture Room A-103)~~) Board Room, College Service Center, Olympic College Campus, 16th and Chester Streets, Bremerton, Washington, or at such other time and place as the board may direct from time to time and as published in the state register. The location of each meeting is available in the office of the President, Olympic College, 16th and Chester Streets, Bremerton, Washington.

WSR 85-07-051
PROPOSED RULES
OLYMPIC COLLEGE
 [Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Olympic College intends to adopt, amend, or repeal rules concerning student conduct code, chapter 132C-120 WAC;

that the institution will at 7:30 p.m., Tuesday, May 28, 1985, in A-103, Olympic College, Main Campus, 16th and Chester, Bremerton, Washington 98310-1699, 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 the Olympic College board of trustees and RCW 28B.50.140.

The specific statute these rules are intended to implement is WAC 131-12-050, 131-12-060 and 131-12-070.

Interested persons may submit data, views, or arguments to this institution in writing to be received by the institution before May 28, 1985.

Dated: January 31, 1985

By: Donna M. Allen

Dean of Administrative Services

Administrative Assistant to the President

STATEMENT OF PURPOSE

Student conduct code, WAC 132C-120-010 through 132C-120-235.

Statutory Authority: Chapter 28B.50 RCW, the Community College Act of 1967, specifically RCW 28B.50.140, Community college boards of trustees—Powers and duties. Also WAC 131-12-050, 131-12-060 and 131-12-070.

The student conduct code contains rules, regulations, and procedures relating to student conduct at Olympic College. The student conduct code is being revised to bring it up to date, to provide additional clarity, and correct inconsistencies.

Person Responsible for the Drafting, Implementation and Enforcement of the Rules: Dr. Dan Gotheridge, Dean of Students, College Service Center, Room 300, Olympic College, 16th and Chester, Bremerton, Washington 98310-1699, scan 356-4846.

Organization Proposing Revision of the Student Conduct Code: Olympic College, 16th and Chester, Bremerton, Washington 98310-1699.

Institutional Comments or Recommendations: None.

The rule revisions are not necessary as a result of federal law or federal or state court action.

Chapter 132C-120 WAC
STUDENT CONDUCT CODE

WAC

- 132C-120-010 ((~~Evaluation~~)) Preamble.
 132C-120-015 ((~~Protection of~~)) Freedom of expression.
 132C-120-020 ((~~Protection against improper academic evaluation~~)) Freedom of association and organization.
 132C-120-025 ((~~Protection against improper disclosure~~)) Student participation in college governance.

- 132C-120-030 ((~~Freedom of association~~)) Student records.
 132C-120-035 ((~~Freedom of inquiry and expression~~)) Student publications.
 132C-120-040 ((~~Student participation in institutional government~~)) Distribution of printed material on campus.
 132C-120-045 ((~~Student publications~~)) Commercial activities.
 132C-120-050 ((~~Exercise of rights of citizenship~~)) Authority to prohibit trespass.
 132C-120-055 ((~~Institutional authority and civil penalties~~)) Emergency procedures.
 132C-120-060 ((~~Procedural standards in disciplinary proceedings~~)) Right to demand identification.
 132C-120-065 ((~~Standards of conduct expected of students~~)) Violations.
 132C-120-100 ((~~Commercial activities~~)) Jurisdiction.
 132C-120-105 ((~~Noncollege speakers~~)) Procedural standards in disciplinary proceedings.
 132C-120-110 ((~~Trespass~~)) Disciplinary proceedings.
 132C-120-115 ((~~Distribution of printed material on campus~~)) Appeals.
 132C-120-120 ((~~Purpose of disciplinary actions~~)) Composition of the student conduct board.
 132C-120-125 ((~~Initiation of prosecution~~)) Procedures for student conduct board hearing.
 132C-120-130 ((~~Initial disciplinary proceedings~~)) Conduct of disciplinary hearings.
 132C-120-135 ((~~Appeals~~)) Decision by the student conduct board.
 132C-120-140 ((~~Composition of student conduct board~~)) Final decision on disciplinary appeals.
 132C-120-145 ((~~Procedures for hearing before the student conduct board~~)) Disciplinary actions.
 132C-120-150 ((~~Conduct of disciplinary hearings~~)) Readmission after dismissal.
 132C-120-200 ((~~Decision by dean of students~~)) Summary suspension rules.
 132C-120-205 ((~~Notice of findings~~)) Initiation of summary suspension proceedings.
 132C-120-210 ((~~Suspension for failure to appear~~)) Notice of summary suspension.
 132C-120-215 ((~~Appeal~~)) Permission to enter or remain on campus.
 132C-120-220 ((~~Summary suspension proceedings not duplicitous~~)) Procedures for summary suspension hearing.
 132C-120-225 ((~~Reporting, recording and maintenance of records~~)) Decision by dean of students.
 132C-120-230 Failure to appear for summary suspension hearing.
 132C-120-235 Summary suspension proceedings not duplicitous.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-010 ((~~EVALUATION~~)) PREAMBLE. ((~~The instructor in the classroom and in conferences shall encourage free discussion, inquiry and expression. Student performance shall be evaluated solely on an academic basis, not on opinions of conduct in matters unrelated to academic standards.~~)) Olympic College, as a state supported institution of higher education, has a mission of providing excellence of instruction, responsiveness to community and individual needs, and open communication in a collegiate atmosphere to citizens of Kitsap and Mason counties. Sharing responsibility for this common mission, students and college personnel are joined in a voluntary college community.

Olympic College students are both citizens and members of the college community. As citizens, students shall enjoy the same freedoms that other citizens enjoy. As members of the college community, they are subject to those responsibilities which accrue to them by virtue of this membership.

Admission to Olympic College carries with it the expectation that students will conduct themselves as responsible members of the college community, that they will comply with established rules and regulations of the college, maintain high standards of honesty and integrity, and respect the rights, privileges, and property of other members of the college community.

Olympic College expects that students will conform to the laws of the greater society and regulations established to assure the orderly conduct of the affairs of the college.

The student is at once a member of the community at large and the college community. As such, the student is subject to the rights, responsibilities, laws, and regulations of each community and accountable to both.

To accomplish these purposes the college is governed by rules, regulations, and procedures designed to safeguard its functions and protect the rights and freedoms of all members of the college community.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-015 ((PROTECTION OF)) FREEDOM OF EXPRESSION. ((Students shall be free to take reasoned exception to the data or views offered in any course of study and to reserve judgment about matters of opinion, but they are responsible for learning the content of any course of study for which they are enrolled.)) Fundamental to the democratic process are the rights of free speech and peaceful assembly. Students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time, it should be made clear to the academic and the larger community that in their public expressions, students or student organizations speak only for themselves.

Any recognized student organization may invite to the campus any speaker a group wishes to hear, providing suitable space is available and there is no interference with the regular scheduled program of the college and officially sanctioned procedure is followed. It is understood that the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by this college, its students, its employees, or the board of trustees. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to normal considerations for law and order and to the specific limitations imposed by the Washington State Constitution which prohibits religious worship, exercise, or instruction on state property.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the president may prescribe reasonable time, place and manner restrictions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-020 ((PROTECTION AGAINST IMPROPER ACADEMIC EVALUATION)) FREEDOM OF ASSOCIATION AND ORGANIZATION. ((Students shall have protection through orderly procedures against prejudiced or capricious academic evaluation. At the same time they are responsible for maintaining standards of academic performance established for each course in which they are enrolled.)) Students bring to the college a variety of interests previously acquired and develop new interests as members of the college community. They are free to organize and join associations to promote any legal purpose or common interest.

Student organizations must be granted a charter by the college student government before they may be officially recognized. Prior to becoming chartered, a student organization must submit to the student government a statement of purpose, criteria for membership, a statement of operating rules or procedures, the name of a faculty member who has agreed to serve as advisor, and otherwise meet all student government requirements for charter. All student organizations must also submit to the student government a list of officers and renew a granted charter as required. In order to qualify for issuance of a charter, membership in a student organization must be open to all students. Affiliation with a noncollege organization shall not be grounds for denial of charter provided that other conditions for charter issuance have been met. The charter of a student organization may be withdrawn by the student government for nonconformity to provisions of its charter, the student conduct code, or student government requirements.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-025 ((PROTECTION AGAINST IMPROPER DISCLOSURE)) STUDENT PARTICIPATION IN COLLEGE GOVERNANCE. ((Information about student views, beliefs and political associations which faculty and staff acquire in the course of their work as instructors, advisers and counselors shall be considered confidential. Protection against improper disclosure is a serious professional obligation. Judgments of ability and character may be provided under appropriate circumstances, normally with the knowledge or consent of the student.)) As members of the college community, students will be free, individually and collectively, to express their views on college policy and on matters of general interest to the student body. The constitution of the associated students of Olympic College and the college's administrative procedures provide clear channels for student participation in the formulation and application of institutional policy.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-030 ((FREEDOM OF ASSOCIATION)) STUDENT RECORDS. ((Students bring to the campus a variety of interests previously acquired and develop many new interests as members of the academic community. They shall be free to organize and join associations to promote their common interests.

(1) Affiliation with an extramural organization shall not of itself disqualify a student organization from institutional recognition.

(2) Each organization shall have a campus advisor chosen by the membership of the organization with the approval of the director of student programs and activities. Campus advisors may advise organizations in the area of responsibility, but they shall not have the authority to control the policy of such organizations.

(3) In order to be officially recognized, a student organization must maintain a club charter with the associated students of Olympic College.

(4) Campus organizations, including those affiliated with an extramural organization, shall be open to all students without respect to race, religion or national origin.)) The board of trustees of Olympic College has adopted policies and procedures in compliance with the Family Educational Rights and Privacy Act of 1974 - Public Law 93-380.

Under the policies adopted, directory information will be released unless a student files a "Request to prevent disclosure of public information" available in the office of admissions and records.

Olympic College personnel will not release any other information concerning a student to any agency, parent, spouse, or friend without written permission of the student in question. For example, transcripts are sent only upon written request from the student (telephone calls are not acceptable).

Only appropriate employees of Olympic College have access to a student's records and only with the permission of the administrator in charge of the records.

Further information concerning the Law is available at the office of admissions and records.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-035 ((FREEDOM OF INQUIRY AND EXPRESSION)) STUDENT PUBLICATIONS. ((Students and student organizations shall be free to examine and to discuss all questions of interest to them and to express opinions publicly and privately. They shall always be free to support causes by orderly means which do not disrupt the regular and essential operation of the institution. At the same time it should be made clear to the academic and the larger community that in their public expressions or demonstrations, students or student organizations speak only for themselves.

Recognized student groups shall be allowed to invite and to hear any person of their own choosing, subject only to procedural rules relating to noncollege speakers.

These rules are designed to insure that there is orderly scheduling of facilities and adequate preparation for the event, and that the occasion is conducted in a manner appropriate to an academic community. The institutional control of campus facilities shall not be used as a device for censorship. It shall be made clear to the academic and larger community that sponsorship for guest speakers does not necessarily imply

approval or endorsement of the views expressed either by the sponsoring group or the institution.) Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. Financial and legal autonomy is not possible, therefore, Olympic College, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. At the same time, the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsibilities such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

(1) The student press should be free of censorship and advance approval of copy, and its editors and managers shall be free to develop their own editorial policies and news coverage consistent with Canons of Journalism.

(2) Editors and managers of student publications shall be protected from arbitrary suspension and removal because of student, faculty, administration, or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures of the publishing organization.

(3) It is expected that campus student publications shall have a written editorial policy consistent with the above.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-040 ((STUDENT PARTICIPATION IN INSTITUTIONAL GOVERNMENT)) DISTRIBUTION OF PRINTED MATERIAL ON CAMPUS. ((As constituents of the academic community, students are free, individually and collectively, to express their views on issues of institutional policy and on matters of general interest to the student body. The student body shall have clearly defined means to participate in the formation and application of institutional policy affecting academic and student activities:)) Publications, handbills, leaflets, statements, and similar materials except those which are commercial, obscene, or unlawful in character may be distributed without review or approval by any enrolled student or recognized group of students enrolled at Olympic College. It is to be understood that such materials do not necessarily represent the views of the college or the board of trustees. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs.

All such materials shall indicate the name of the sponsor. Distribution of any printed materials by persons not members of the college community shall be prohibited unless approved in advance by the dean of students or designee.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-045 ((STUDENT PUBLICATIONS)) COMMERCIAL ACTIVITIES. ((Student publications and the student press are a valuable aid in establishing and maintaining an atmosphere of free and responsible discussion and of intellectual exploration on the campus. They are a means of bringing student concerns to the attention of the faculty and the institutional authorities and of formulating student opinion on various issues on the campus and in the world at large. Financial and legal autonomy is not possible, therefore, Olympic College, as the publisher of student publications, may have to bear the legal responsibility for the contents of the publications. In the delegation of editorial responsibility to students, the institution must provide sufficient editorial freedom and financial autonomy for the student publications to maintain their integrity of purpose as vehicles for free inquiry and free expression in an academic community. At the same time the editorial freedom of student editors and managers entails corollary responsibilities to be governed by the canons of responsibilities

such as the avoidance of libel, indecency, undocumented allegations, attacks on personal integrity, and the techniques of harassment and innuendo. As safeguards for the editorial freedom of student publications, the following provisions are necessary:

(1) The student press should be free of censorship and advance approval of copy, and its editors and managers should be free to develop their own editorial policies and news coverage consistent with Canons of Journalism.

(2) Editors and managers of student publications should be protected from arbitrary suspension and removal because of student, faculty, administration or public disapproval of editorial policy or content. Only for proper and stated causes should editors and managers be subject to removal and then by orderly and prescribed procedures. The agency responsible for the appointment of editors and managers should be the agency responsible for their removal.

(3) It is expected that campus student publications will have a written editorial policy consistent with the above.) College facilities will not be used for commercial solicitation, advertising, or promotional activities except when such activities clearly serve Olympic College educational objectives, including but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship or at the request of a college division or the office of student programs and activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-050 ((EXERCISE OF RIGHTS OF CITIZENSHIP)) AUTHORITY TO PROHIBIT TRESPASS. ((Olympic College students are both citizens and members of the academic community. As citizens, students shall enjoy the same freedom of speech, peaceful assembly, and right of petition that other citizens enjoy and, as members of the academic community, they are subject to the obligations which accrue to them by virtue of this membership. Faculty members and administrative officials shall insure that institutional powers are not employed to inhibit such intellectual and personal development of students as is often promoted by their exercise of the rights of citizenship both on and off campus:)) In the instance of any event that is deemed to impede the movement of persons or vehicles or which is deemed to disrupt or threatens to immediately disrupt the ingress and/or egress of persons from college facilities, the president or designee, acting through the dean of students or such other designated person shall have authority and power to:

(1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who have been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(3) Order any person, persons, or group of persons to leave or vacate all or any portion of a college facility.

Any student or person who shall disobey a lawful order given by the college president or designee pursuant to the requirements of this rule shall be subject to disciplinary and/or legal action.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-055 ((INSTITUTIONAL AUTHORITY AND CIVIL PENALTIES)) EMERGENCY PROCEDURES. ((Activities of students may upon occasion result in violation of law. In such case institutional officials shall be prepared to apprise students of sources of legal counsel and may offer other assistance. Students who violate the law may incur penalties prescribed by civil authorities, but institutional authority shall never be used merely to duplicate the function of general laws. Only where the institution's interests as an academic community are distinct and clearly involved should the special authority of the institution be asserted. The student who incidentally violates institutional regulations in the course of his/her off-campus activity such as those relating to class attendance, shall be subject to no greater penalty than would normally be imposed. Institutional action should be independent of community pressure:)) In the event of activities or situations which interfere with the orderly operation of the college, the

dean of students or college president or their designees shall determine the course of action which appears to offer the best possibility for resolution of the problem. The emergency procedures outlined below will be followed if deemed essential:

(1) Inform those involved in such activities that they are in violation of college and/or civil regulations.

(2) Inform them that they should cease and desist.

(3) If they do not respond within a reasonable time, call the civil authorities.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

~~WAC 132C-120-060 ((PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS)) RIGHT TO DEMAND IDENTIFICATION. ((In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, guidance and admonition. At the same time Olympic College has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for the students who attend and through the regulation of the use of institutional facilities. In the exceptional circumstances when the preferred means fail to resolve problems of student conduct, prior procedural safeguards shall be observed to protect the student from the unfair imposition of serious penalties.~~

The administration of discipline shall guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and the sanctions which may be applied. They shall also take into account the presence or absence of an honor code and the degree to which the institutional officials have direct acquaintance with student life in general and the involved student and the circumstances of the case in particular. The jurisdictions of faculty or student judicial bodies, the disciplinary responsibilities of institutional officials and the regular disciplinary procedures, including the student's rights to appeal a decision shall be clearly formulated and communicated in advance. Minor penalties may be assessed informally under prescribed procedures.

In all situations procedural fair play requires that the student be informed of the nature of the charges against him/her, that he/she be given a fair opportunity to refute them, that the situation not be arbitrary in its actions, and that there be provision for appeal of a decision. The following are recommended as proper safeguards in such proceedings when there are no honor codes offering comparable guarantees:)) For the purpose of determining the identity of a person as a student, where identification as a student is a prerequisite to admission or the charge for admission to any college activity, or where identification as a student is required in a case of alleged violation of this code, any college employee may demand that any person on college property or at a college activity produce evidence of student enrollment at the college. Tender of the student identification card will satisfy this requirement. Refusal by a student to produce identification as required shall subject the student to disciplinary action.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

~~WAC 132C-120-065 ((STANDARDS OF CONDUCT EXPECTED OF STUDENTS)) VIOLATIONS. ((The institution has an obligation to clarify those standards of behavior which it considers essential to its educational mission and its community life. These general behavior expectations and the resultant specific regulations should represent a reasonable regulation of student conduct, but the student shall be as free as possible from imposed limitations that have no direct relevance to his/her education. Offenses should be as clearly defined as possible and interpreted in a manner consistent with the aforementioned principles of relevancy and reasonableness. Disciplinary proceedings shall be instituted, only for violations of standards of conduct formulated with significant student participation and published in advance through such means as a student handbook as a generally available body of institutional regulations:)) Any student shall be subject to immediate disciplinary action provided for in this student conduct code who, either as a principal actor or aider or abettor:~~

(1) Materially and substantially interferes with the personal rights or privileges of others or the educational process of the college;

(2) Violates any provision of the student conduct code;

(3) Commits any of the following acts which are hereby prohibited:

(a) All forms of dishonesty including cheating, plagiarism, knowingly furnishing false information to the college, and forgery, alteration or

use of college documents or instruments of identification with intent to defraud.

(b) Failure to comply with lawful directions of faculty, administrators, and other regularly employed personnel acting in performance of their lawful duties.

(c) Conduct which intentionally and substantially obstructs or disrupts freedom of movement, teaching, administration, disciplinary proceedings, or other lawful activities of the college.

(d) Physical abuse of any person or conduct which is intended unlawfully to threaten imminent bodily harm or to endanger the health or safety of any person on college-owned or controlled property or at college-sponsored or supervised functions.

(e) Malicious damage to or malicious misuse of college property, or the property of any person where such property is located on the college campus.

(f) Refusal to comply with any lawful order to leave the college campus or any portion thereof.

(g) Possession or use of firearms, explosives, dangerous chemicals, or other dangerous weapons or instruments on the college campus, except for authorized college purposes; unless prior written approval has been obtained from the dean of students, or any other person designated by the college president.

(h) Intentionally inciting others to engage in imminent lawless activity, including any conduct prohibited herein.

(i) Possessing, consuming, or furnishing of alcoholic beverages on college-owned or controlled property or at college-sponsored or supervised functions where prohibited.

(j) Disorderly conduct, including disorderly conduct resulting from drunkenness.

(k) Engaging in lewd, indecent, or obscene behavior on college-owned or controlled property or at college-sponsored or supervised functions.

(l) Using, possessing, furnishing, or selling any controlled substance as defined in Washington statutes, except when the use or possession of a drug is specifically prescribed as medication by a licensed health care professional.

(m) Falsely setting off or otherwise tampering with any emergency safety equipment, alarm, or other device established for the safety of individuals and/or college facilities.

(n) Theft or conversion of college property or private property.

(o) Entering any administrative office or any locked or otherwise closed college facility in any manner, at any time, without permission of the college employee or agent in charge thereof.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

~~WAC 132C-120-100 ((COMMERCIAL ACTIVITIES)) JURISDICTION. ((College facilities will not be used for commercial solicitation, advertising or promotional activities except when such activities clearly serve Olympic College educational objectives, including but not limited to, display of books of interest to the academic community or the display or demonstration of technical or research equipment, and when such commercial activities relate to educational objectives and are conducted under the sponsorship of, at the request of a college division of the office of student activities of the college, provided that such solicitation does not interfere with or operate to the detriment of the conduct of college affairs or the free flow of pedestrian or vehicular traffic:)) Admission to the college carries with it the expectation that the student will obey the law, comply with rules and regulations of the college, and is accountable for his/her conduct.~~

All rules herein adopted shall apply to every student on any college property or engaged in any college related activity or function. Sanctions for violation of the rules of student conduct herein adopted will be administered by the college in the manner provided by said rules. When violations of the laws of the state of Washington and/or the United States are involved, the college may in addition refer such matters to civil authorities. In the case of minors such conduct may be referred to parents or guardians.

This code is applicable in all matters of discipline, and any disciplinary action imposed upon a student shall be taken in accordance with this code, unless the disciplinary action was imposed according to separate college policy which the student contractually accepted as a condition to participation in a particular course of study.

Disciplinary action, including dismissal from the college, may be imposed on a student for failure to abide by rules of conduct contained herein. The form of disciplinary action imposed will determine whether and under what conditions a violator may continue as a student at the

college. Practices in disciplinary cases may vary in formality according to the severity of the case.

Faculty members shall have the authority to take such actions as may be necessary to maintain order and proper conduct in the classroom to insure the cooperation of students in the accomplishment of the objectives of the course of instruction. Such actions may be appealed to the dean of students within five instructional days of such action.

College administrative officers may deny admission to a prospective student or reregistration to a current student if, in their judgment, the student would not be competent to profit from the curricular offerings of the college, or would, by the student's presence or conduct, create a disruptive atmosphere within the college inconsistent with the purpose of the institution.

When reference in this document is made to a college official, that reference shall be read to include the specified college official or designee.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-105 ((NONCOLLEGE SPEAKERS)) PROCEDURAL STANDARDS IN DISCIPLINARY PROCEEDINGS.

((The trustees, the administration, and the faculty of Olympic College subscribe to the proposition that an important aspect of the education of college students is the opportunity to listen to speakers representing a wide variety of opinions and beliefs on important public issues. Because of the confidence reposed in Olympic College students' capacity to listen critically and to judge intelligently the statements made by advocates of varying ideologies, beliefs, and theories, and in conformity with American traditions of free speech and free inquiry, the following policies are established governing the appearance on campus of speakers not themselves members of the college community.

Any recognized student organization may invite to the campus any speaker a group wishes to hear, providing suitable space is available and there is no interference with the regular scheduled program of the college and officially sanctioned procedure is followed. It is understood that the appearance of such speakers on the campus implies neither approval nor disapproval of them or their viewpoints by this college, its faculty, its administration or the board of trustees. In the case of speakers who are candidates for political office, equal opportunities shall be available to opposing candidates if desired by them. Speakers are subject to the normal considerations for law and order and to the specific limitations imposed by the Washington State Constitution which prohibits religious worship, exercise, or instruction on state property.

In order to insure an atmosphere of open exchange and to insure that the educational objectives of the college are not obscured, the President, in a case attended by extreme emotional feeling, may prescribe conditions for the conduct of the meeting, such as requiring a designated member of the faculty as chairman, or requiring permission for comments and questions from the floor. Likewise, the president may encourage the appearance of one or more additional speakers at the meeting in question or at a subsequent meeting so that other points of view may be expressed.)) In developing responsible student conduct, disciplinary proceedings play a role substantially secondary to example, counseling, and admonition. At the same time, Olympic College has a duty and the corollary disciplinary powers to protect its educational purpose through the setting of standards of scholarship and conduct for students who attend and through regulation of the use of institutional facilities. In circumstances when preferred means fail to resolve problems of student conduct, prior procedural safeguards shall be observed to protect the student from unfair imposition of serious disciplinary penalties.

The administration of discipline shall guarantee procedural fairness to an accused student. Practices in disciplinary cases may vary in formality with the gravity of the offense and sanctions which may be applied. The jurisdictions, responsibilities, and procedures of the college disciplinary structure shall be clearly established and published.

In all situations procedural due process requires that the student be informed of the nature of charges against him/her, be given a fair opportunity to refute them, that disciplinary actions not be arbitrary, and that there be provision for appeal of disciplinary actions. Students charged with violation of the student code of conduct shall be informed of their right to due process.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-110 ((TRESPASS)) DISCIPLINARY PROCEEDINGS. ((The president of the college, or in such president's absence the acting president, in the instance of any event that the president deems to be disruptive of order, or which the president deems impedes the movement of persons or vehicles, or which the president deems to disrupt or threatens to disrupt the ingress and/or egress of persons from college facilities, and the president acting through the dean of students or such other person designated by the president shall have power and authority to:

(1) Prohibit the entry of, or withdraw the license or privilege of a person or persons or any group of persons to enter onto or remain upon any portion of a college facility; or

(2) Give notice against trespass by any manner specified in section 2, chapter 7, Laws of 1969, to any person, persons, or group of persons against whom the license or privilege has been withdrawn or who has been prohibited from entering onto or remaining upon all or any portion of a college facility; or

(3) Order any person, persons, or group of persons to leave or vacate all or any portion of a college facility.

Any student who shall disobey a lawful order given by the president or his/her designee pursuant to the requirements of subsection 1 of this rule shall be subject to disciplinary action.)) Any person shall have the right to request sanctions for violations of the student conduct code.

All disciplinary proceedings will be initiated by the dean of students who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the dean of students and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the range of penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the accused, the dean of students may take any of the following actions:

(1) Terminate the proceeding, exonerating the accused;

(2) Dismiss the case after whatever counseling and advice may be appropriate;

(3) Impose minor sanctions directly such as warning, reprimand, restitution, and/or disciplinary probation;

(4) Refer the matter to the student conduct board for a recommendation to the president of the college as to appropriate action;

(5) Recommend to the president of the college that the accused be dismissed.

A student accused of violating any provision of the code of student conduct shall be given written notification of the dean of students' action.

Disciplinary action recommended by the dean of students is final unless the accused exercises his/her right of appeal within five instructional days as provided in WAC 132C-120-115.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-115 ((DISTRIBUTION OF PRINTED MATERIAL ON CAMPUS)) APPEALS. ((Publications, handbills, leaflets, statements, and similar materials except those which are commercial, obscene or unlawful in character may be distributed without review or approval by any regularly enrolled student, faculty or staff member, or recognized group of students enrolled at Olympic College. It is to be understood that such materials do not necessarily represent the views of the college, its faculty, student body, or staff. Such materials may be distributed from authorized public areas in the student center and at any outdoor area on campus consistent with the maintenance of college property, with the free flow of traffic and persons, and not in a manner which in itself limits the orderly operation of college affairs.

All such materials shall indicate the name of the sponsor. Distribution of any printed materials by persons not members of the college community shall be prohibited unless approved in advance by the dean of students or his/her designee.

Any student who violates any provision of this rule relating to the distribution and sale of handbills, leaflets, newspapers, or related materials shall be subject to disciplinary action.

Any distribution of the materials in this section shall not be considered as approval of the same by the college or by the board of trustees.) Any disciplinary action may be appealed as provided. Action by the dean of students may be appealed to the student conduct board. Action taken by the student conduct board may be appealed to the president. Action taken by the president shall be final. All appeals by a student must be made in writing and presented to the college president within five instructional days of the disciplinary action/recommendation or the right to appeal is waived and the disciplinary action/recommendation is automatically imposed. Decisions on appeals will be rendered in writing within three instructional days following conclusion of the appeal process.

Time periods referenced in the code may be altered or waived on written agreement of the accused and dean of students.

An appeal of a disciplinary action stays enforcement of the action until the appeal process is exhausted or a final decision reached.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-120 ((PURPOSE OF DISCIPLINARY ACTIONS)) COMPOSITION OF THE STUDENT CONDUCT BOARD. ((Disciplinary action, up to and including dismissal from the college, may be imposed upon a student for failure to abide by the rules of student conduct herein adopted. The form of disciplinary action imposed upon the nonabiding student will determine whether and under what conditions the violator may continue as a student at the college. Practices in disciplinary cases may vary in formality according to the severity of the case.)) The student conduct board shall be composed of seven members on an ad hoc basis as needed. Members shall be selected as follows:

(1) The college president shall appoint three members and an alternate from the faculty.

(2) The president shall appoint one member from the college administration and an alternate.

(3) Three student members and an alternate appointed by the president of the associated students of Olympic College.

(4) The president of the college shall designate a chairman from the membership who shall preside at all meetings and hearings. The chairman shall not vote except to break a tie vote.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-125 ((INITIATION OF PROSECUTION)) PROCEDURES FOR STUDENT CONDUCT BOARD HEARING. ((Any person shall have the right to request sanctions for violations of the code of student conduct.

Faculty members shall have the authority to take such actions as may be necessary to maintain order and proper conduct in the classroom in order to assure the effective cooperation of students in the accomplishment of objectives of the course of instruction. Such actions may be appealed to the dean of students or his/her designee at any time before the end of the next succeeding quarter in which the student is enrolled.)) The student conduct board will hear and make recommendations to the president of the college on all disciplinary cases referred/appealed to it.

The accused has a right to a fair and impartial hearing before the student conduct board on any charge of violating rules of student conduct. The accused's failure to cooperate with hearing procedures shall not prevent the student conduct board from making its findings of fact, conclusions, and recommendations. Failure by the accused to cooperate may be taken into consideration by the student conduct board in recommending appropriate disciplinary action to the president.

The accused shall be given written notice of the time and place of the hearing before the student conduct board and afforded not less than five instructional days notice thereof. Said notice shall contain:

(1) A statement of the time, place, and nature of the disciplinary hearing.

(2) A statement of allegations and reference to relevant sections of the student conduct code involved.

The accused shall be entitled to hear and examine evidence against him/her and be informed of the identity of its source, shall be entitled to present evidence or witnesses in his/her own behalf and cross-examine adverse witnesses as to relevant factual matters.

Only those matters presented at the hearing in the presence of the accused will be considered by the student conduct board in determining whether there is sufficient evidence to cause it to believe the accused violated the student conduct code.

The student may be represented by counsel of choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state as counsel, he/she may do so provided that not less than three instructional days notice of the same is given the dean of students.

In all disciplinary proceedings, the college may be represented by the dean of students, designee, and/or assistant attorney general who shall present the college's case against the student accused of violating rules of the student conduct code.

The chairman of the student conduct board shall preside at the disciplinary hearing and may establish organizational or operational procedures necessary to the conduct of the hearing. The chairman may rule on all questions before the student conduct board and may limit repetitious testimony and exclude immaterial or irrelevant evidence. Strict rules of evidence shall not be applied.

The proceedings of the hearing shall be recorded and copies of presented materials retained. Such shall be kept in the dean of students office after use by the student conduct board.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-130 ((INITIAL DISCIPLINARY PROCEEDINGS)) CONDUCT OF DISCIPLINARY HEARINGS. ((All disciplinary proceedings will be initiated by the dean of students or his/her designated representative who may also establish advisory panels to advise or act for the office in disciplinary proceedings.

Any student accused of violating any provision of the rules of student conduct will be called for an initial conference with the dean of students or his/her designated representative and will be informed of what provision or provisions of the code of student conduct he/she is charged with violating and what appears to be the maximum penalties which might result from consideration of the disciplinary proceeding.

After considering the evidence in the case and interviewing the student or students accused of violating the code of student conduct, the dean of students or his/her designated representative may take any of the following actions:

(1) Terminate the proceeding, exonerating the student or students providing both parties agree;

(2) Dismiss the case after whatever counseling and advice may be appropriate, provided both parties (accused and accuser) agree;

(3) Impose minor sanctions directly (warning, reprimand, or disciplinary probation) subject to the student's right of appeal described in WAC 132C-120-135;

(4) Refer the matter to the student conduct board for a recommendation to the president of the college as to appropriate action. The student shall be notified in writing when such a recommendation is made;

(5) Recommend to the president of the college that the student be dismissed, if the student agrees to waive a hearing and agrees to the dismissal;

A student accused of violating any provision of the code of student conduct shall be given written notification within five calendar days of any disciplinary action recommended by the dean of students or his/her designated representative.

No disciplinary action recommended by the dean of students or his/her designated representative is final unless the student fails to exercise his/her right of appeal as provided in WAC 132C-120-135 and the president of the college or his/her designated representative, after reviewing of the case including any statement the student may file with the president, shall either express written approval of the recommendation of the dean of students or give written direction as to what lesser disciplinary action, if any, is to be taken.)) Hearings conducted by the student conduct board will be held in closed session except when the accused requests that students and staff other than those directly involved be invited to attend. If at any time during the conduct of a hearing invited guests are disruptive of the proceedings, the chairman of the student conduct board may exclude such persons from the hearing room.

Any student or staff member attending the student conduct board hearing as an invited guest who continues to disrupt said proceedings after the chairman of the student conduct board has asked him/her to cease and desist therefrom shall be subject to disciplinary action.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-135 ((APPEALS)) DECISION BY THE STUDENT CONDUCT BOARD. ((Any disciplinary action taken may be appealed. Action taken by the dean of students may be appealed to the student conduct board. Action taken by the student conduct board may be appealed to the president or his/her designee. Action taken by the president shall be final. All appeals by a student must be made in writing and presented to the appropriate agency within five instructional days after the original action was taken. Decisions on appeals will be made by the appropriate agency within five instructional days.)) Upon conclusion of the disciplinary hearing, the student conduct board shall in closed session consider the evidence therein presented. By majority the board shall reach its conclusions and recommended disciplinary action. The board shall issue in written form its conclusions and recommended disciplinary action within three instructional days of the conclusion of the hearing to the student, the dean of students, and the president. The disciplinary recommendations of the board shall be limited to the following:

(1) That the student or students be exonerated and the proceedings terminated.

(2) That any disciplinary action provided in WAC 132C-120-145 be imposed on the student or students.

Disciplinary action recommended by the student conduct board shall be automatically imposed unless the accused exercises his/her right of appeal to the president as provided in WAC 132C-120-115.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-140 ((COMPOSITION OF STUDENT CONDUCT BOARD)) FINAL DECISION ON DISCIPLINARY APPEALS. ((Olympic College shall have a student conduct board composed of seven members, who should be chosen on an ad hoc basis as needed. The member shall be selected as follows:

(1) The Olympic College president or his/her designee shall appoint three members and an alternate who are teaching on the appropriate campus; such members shall serve at his/her pleasure.

(2) The college president or his/her designee shall appoint one member from the college administration who shall serve at his/her pleasure.

(3) Three student members shall be designated by the president of the associated students of Olympic College subject to the approval of the executive council. Student membership must include a male and female student and two alternates.

(4) The chairman shall be chosen from the membership. The chairman shall preside at all meetings and hearings and shall be designated by the president of the college or his/her designee provided that no person who personally participates in any disciplinary action reviewed by the disciplinary committee may serve. The chairman shall not vote except in case of tie vote.)) The president of the college or any representative designated except the dean of students shall on appeal review the record of the proceedings, the recommended action of the student conduct board, and any written statements of appeal filed by the accused student. Following review of all submitted materials, the president or designee will, within three instructional days, issue in writing to the accused, student conduct board, and dean of students approval of the recommendations of the student conduct board or shall specify what other action shall be taken.

No hearing shall be held at this stage and the decision of the president shall be final.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-145 ((PROCEDURES FOR HEARING BEFORE THE STUDENT CONDUCT BOARD)) DISCIPLINARY ACTIONS. ((The student conduct board will hear, de novo, and make recommendations to the president of the college on all disciplinary cases referred to it by the dean of students or his/her designee.

The student has a right to a fair and impartial hearing before the student conduct board on any charge of violating the rules of student conduct. The student's failure to cooperate with the hearing procedures hereinafter outlined, however, shall not preclude the student conduct board from making its findings of fact, conclusions, and recommendations as provided below. Failure by the student to cooperate may be

taken into consideration by the committee in recommending to the president the appropriate disciplinary action.

The student shall be given written notice of the time and place of his/her hearing before the student conduct board and be afforded not less than ten days notice thereof. Said notice shall contain:

(1) A statement of the time, place, and nature of the disciplinary proceeding.

(2) A statement of the charges against him/her including reference to the particular sections of the code of student conduct involved.

The student shall be entitled to hear and examine the evidence against him/her and be informed of the identity of its source; he/she shall be entitled to present evidence in his/her own behalf and cross examine witnesses testifying against him/her as to factual matters. The student shall have all authority possessed by the college to obtain information he/she specifically describes in writing and renders to the dean of students no later than three days prior to the hearings, or to request the presence of witnesses or the production of other evidence relevant to the issue of the hearings.

The student may be represented by counsel of his/her choice at the disciplinary hearing. If the student elects to choose a duly licensed attorney admitted to practice in any state in the United States as his/her counsel, he/she must render three days notice thereof to the dean of students.

In all disciplinary proceedings the college may be represented by a designee appointed by the dean of students; said designee may then present the college's case against the student accused of violating the code of student conduct provided that in those cases in which the student elects to be represented by a licensed attorney the dean of students may elect to have the college represented by an assistant attorney general.

An adequate summary of all the evidence and facts presented to the disciplinary committee during the course of the proceedings will be taken. A copy thereof shall be available at the office of the dean of students for distribution.

The chairman of the student conduct board, as defined by the student conduct code, shall preside at the disciplinary hearing.)) The following disciplinary actions are hereby established and shall be usual sanctions imposed upon violators of the code of student conduct:

Disciplinary warnings: Notice to a student either verbally or in writing that he/she has been in violation of the rules of student conduct or has otherwise failed to satisfy the college's expectations regarding conduct. Such warnings imply that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

Reprimand: Formal action censuring a student for violation of the rules of student conduct. Reprimands are always made in writing. A reprimand indicates to the student that continuation or repetition of the specific conduct involved or other misconduct will result in one of the more serious disciplinary actions described below.

Disciplinary probation: Formal action placing conditions upon the student's continued attendance for violation of the code of student conduct. The action will specify, in writing, the period of probation and any conditions such as limiting the student's participation in extracurricular activities. Disciplinary probation may be for a specified term or for an indefinite period which may extend to graduation or other termination of the student's enrollment in the college.

Dismissal: Termination of student status for violation of the code of student conduct. A student may be dismissed only with the approval of the president of the college. Dismissal may be for a stated or for an indefinite period. The notification dismissing a student will indicate, in writing, the term of the dismissal and any special conditions which must be met before readmission. There is no refund of tuition and fees for the quarter in which action is taken but tuition and fees paid in advance for a subsequent quarter are to be refunded.

Restitution: The college may demand restitution from individual students for destruction or damage of property. Failure to make arrangements for restitution promptly will result in the cancellation of the student's registration and will prevent the student from reregistration.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-150 ((CONDUCT OF DISCIPLINARY HEARINGS)) READMISSION AFTER DISMISSAL. ((Hearings conducted by the student conduct board generally will be held in closed session except when the accused requests that student and faculty other than those directly involved be invited to attend. If at any

time during the conduct of a hearing invited guests are disruptive of the proceedings, the chairman of the committee may exclude such persons from the hearing room.

Any student or faculty member attending the student conduct board hearing as an invited guest who continues to disrupt said proceedings after the chairman of the committee has asked him/her to cease and desist therefrom shall be subject to disciplinary action. Any student dismissed from the college for disciplinary reasons may be readmitted only on written petition to the dean of students. Such petitions must indicate how specified conditions have been met and, if the term of the dismissal has not expired, any reasons which support a reconsideration of the matter. Because the president of the college participates in all disciplinary actions dismissing students from the college, the president shall approve readmission of any student who has been formerly dismissed from the college for disciplinary reasons.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-200 (~~DECISION BY DEAN OF STUDENTS~~) **SUMMARY SUSPENSION RULES.** (~~If the dean of students, following the conclusion of the summary suspension proceeding, is still of the opinion that there is probable cause to believe:~~

(1) ~~The student against whom specific violations of the law or of the code of student conduct are alleged has committed one or more such violations upon any college facility or college sponsored activity; and~~

(2) ~~That summary suspension of said student is necessary to attain peace and order on the campus; and~~

(3) ~~Such violation or violations of the law or of the code of student conduct constitute grounds for disciplinary probation or dismissal pursuant to WAC 132C-120-200, then the dean of students may, with written approval of the president, continue suspension of such student from college for maximum of ten days.)~~ The board of trustees of Olympic College recognizes the need to provide the administration with a summary system of student discipline which can swiftly and fairly respond to immediate disorder. Summary suspension rules are not to be construed to supplant provisions of the student conduct code or usual disciplinary procedures, but rather to supplement the student conduct code by providing an emergency method of suspension during the pendency of investigation and prosecution of student violations that will subsequently be heard on their merits consistent with student conduct code procedures.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-205 (~~NOTICE OF FINDINGS~~) **INITIATION OF SUMMARY SUSPENSION PROCEEDINGS.** (~~If a student is suspended pursuant to the above rules, said student will be provided with a written copy of the dean of students findings of fact and conclusions, as expressly concurred in by the president, as to whether said dean had probable cause to believe that the conditions for summary suspension outlined in WAC 132C-120-200 exists and whether immediate suspension of said student should issue:~~

The student suspended pursuant to the authority of this rule shall be served a copy of the notice of suspension by personal service or by registered mail. Notice by mail shall be sent to said student's last known address.) The college president or designee may suspend any student for not more than ten instructional days pending investigation, action, or prosecution on charges of an alleged student conduct code violation if the president or designee has reason to believe the student's physical or emotional safety and well-being, or the safety and well-being of other college community members, or the safety and well-being of the college or its functioning renders the normal disciplinary process ineffectual and commands such suspension.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-210 (~~SUSPENSION FOR FAILURE TO APPEAR~~) **NOTICE OF SUMMARY SUSPENSION.** (~~If the student against whom specific violations of the rules of student conduct or law have been alleged has been served pursuant to the notice required in WAC 132C-120-190 willfully fails to appear at the time designated for the summary suspension proceeding, the dean of students may, with the written concurrence of the president, suspend the student from college for a maximum of ten days.)~~ If the college president or

designee desires to exercise the authority to summarily suspend a student, the president or designee shall cause notice thereof to be served on that student by registered or certified mail at the student's last known address, or by personal service of such notice to the student. The notice shall be entitled Notice of Summary Suspension and shall state:

(1) The charges against the student including reference to provisions of the student conduct code and/or law.

(2) That the student charged must appear before the dean of students for a summary suspension hearing at a time specified in the notice.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-215 (~~APPEAL~~) **PERMISSION TO ENTER OR REMAIN ON CAMPUS.** (~~Any student aggrieved by an order issued at the summary suspension proceeding may appeal the same to the president or his/her designee. No such appeal shall be entertained; however, unless written notice of the appeal specifically describing alleged errors in the findings of the dean of students is tendered at the office of the president within 72 hours following the date notice of summary suspension was served or mailed to the student:~~

The president shall, as soon as reasonably possible, examine the allegations contained within the notice of appeal, along with the findings of the dean, the record of the summary suspension proceedings and determine therefrom whether the summary suspension is justified. Following such examination, the president may, at his/her discretion, suspend the summary suspension pending determination of the merits of the disciplinary proceeding pursuant to the code of student conduct.

The president shall notify the appealing student within 48 hours following its consideration of the notice of appeal as to whether the summary suspension shall be maintained or stayed pending disposition of the disciplinary proceeding pursuant to the code of student conduct.

The appellant shall have the right to appear personally before the president and, conversely, the president may require the appellant to appear personally.

A student's academic standing shall not be jeopardized in the event of his/her exoneration.) During the period of summary suspension, the student shall not enter any college property or attend any college function other than to meet with the dean of students or attend a summary suspension hearing. However, the dean of students may grant the student special permission to enter the campus for express purposes such as meeting with staff or students in preparation for a hearing.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

WAC 132C-120-220 (~~SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICIOUS~~) **PROCEDURES FOR SUMMARY SUSPENSION HEARING.** (~~As indicated, the summary suspension proceeding shall in no way substitute for the disciplinary proceedings provided for in the code of student conduct. At the end of the suspension, the student suspended shall be reinstated to his/her full rights and privileges as a student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the code of student conduct or these rules of summary suspension:~~

Any disciplinary proceeding initiated against the student because of violations alleged against any student in the course of the summary suspension proceeding provided for herein shall be de novo provided that the records made and evidence presented during the course of any facet of a summary suspension proceeding brought against the student shall be available for the use of the student and of the college in a disciplinary proceeding initiated under the code of student conduct.) At the summary suspension hearing, the student against whom the violation or violations are alleged shall have the opportunity of proving to the dean of students that there is no cause to believe that the violations cited on the notice of summary suspension did occur, and that summary suspension is not necessary or justifiable pursuant to WAC 132C-120-200 through 132C-120-220.

The student may offer oral testimony, present witnesses, submit any statement or affidavit, examine any affidavit or cross-examine any witness who may appear against him/her and submit any matter in extenuation or mitigation of the offense or offenses charged.

The dean of students shall at the time of the summary suspension hearing determine whether there is probable cause to believe that a violation of law or of the code of student conduct has occurred and whether there is cause to believe summary suspension continues to be

necessary pursuant to WAC 132C-120-200 through 132C-120-220. In the course of making such decisions the dean may consider only the affidavits and oral testimony of persons who alleged that the student charged has committed a violation of law or the student conduct code and the oral testimony and affidavits submitted by the student charged.

AMENDATORY SECTION (Amending Order 21, Resolution 49-0280, filed 4/4/80)

~~WAC 132C-120-225 ((REPORTING, RECORDING AND MAINTENANCE OF RECORDS)) DECISION BY DEAN OF STUDENTS. ((Records of all disciplinary cases and summary suspension proceedings which result in sanctions shall be kept in the office of the dean of students. To minimize the risk of improper disclosure, academic and disciplinary records shall be kept separately. Except in proceedings where the student is exonerated, all documentary or other physical evidence produced or considered and all recorded testimony shall be preserved no longer than five years. No record of proceedings wherein the student is exonerated, other than the fact of exonerated, shall be maintained after the date of the student's graduation (maximum two years).~~

~~All disciplinary actions shall be entered on the student's disciplinary record and may be removed at the time of graduation or earlier at the discretion of the dean of students, however, all records must be destroyed within five years.~~

~~In any case in which a student summarily suspended pursuant to these rules is subsequently exonerated in the course of disciplinary proceedings provided for in the code of student conduct, all records related to the summary suspension of the student shall be removed from the student's disciplinary record. The dean of students shall be responsible for such removal.~~

~~Any failure by the college to remove records of disciplinary action pursuant to this section may be corrected by request of the student.~~

~~Information from disciplinary or student record files shall not be available to unauthorized persons on campus or to any person off campus without the consent of the student, except under legal compulsion or in cases where the safety of persons or property is involved. Persons who may be authorized are the dean of students, director of counseling, testing and student information analysis, chairman student conduct board, or others designated by the dean of students or president.~~

~~No records shall be kept which reflect the political activities or beliefs of the student.~~

~~All parties shall maintain full confidentiality with respect to such hearings.) On conclusion of the summary suspension hearing and review of evidence and testimony presented therein, the dean of students or designee may exercise a range of actions including but not limited to the following:~~

~~(1) Sustain the summary suspension for its duration or portion thereof, subject to disciplinary actions which may be brought under the code of student conduct rules following the suspension.~~

~~(2) Stay the summary suspension and impose any disciplinary action(s) enumerated in WAC 132C-120-110 Disciplinary proceedings of the code of student conduct.~~

~~Following the summary suspension hearing, the student shall be provided written notification of findings, conclusions, and disciplinary actions, if any. Notification and any attendant instructions or information will be provided through personal service or sent the student by registered or certified mail at the student's last known address.~~

NEW SECTION

WAC 132C-120-230 FAILURE TO APPEAR FOR SUMMARY SUSPENSION HEARING. If a student who has been summarily suspended fails to appear for a summary suspension hearing with the dean of students as required by WAC 132C-120-210, the suspension will automatically stand for its specified duration, after which the dean of students or designee may initiate further disciplinary proceedings against the student as provided in the code of student conduct.

NEW SECTION

WAC 132C-120-235 SUMMARY SUSPENSION PROCEEDINGS NOT DUPLICITOUS. As indicated, the summary suspension proceedings shall not substitute for disciplinary proceedings provided for in the code of student conduct. At the end of the suspension, the student suspended shall be reinstated to full rights and privileges as a

student, subject to whatever sanctions may have been or may be in the future imposed pursuant to the code of student conduct or these rules of summary suspension.

Records and evidence presented during the course of any facet of a summary suspension proceeding brought against the student shall be available for use by the student and the college in disciplinary proceeding initiated under the code of student conduct.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132C-120-070	INVESTIGATION OF STUDENT CONDUCT.
WAC 132C-120-075	STATUS OF STUDENT PENDING FINAL ACTION.
WAC 132C-120-080	PURPOSE OF ADOPTION OF STUDENT CONDUCT CODE.
WAC 132C-120-085	DEFINITIONS.
WAC 132C-120-090	JURISDICTION.
WAC 132C-120-095	RIGHT OF ASSEMBLY.
WAC 132C-120-155	EVIDENCE ADMISSIBLE IN HEARINGS.
WAC 132C-120-160	DECISION BY THE STUDENT CONDUCT BOARD.
WAC 132C-120-165	FINAL DECISION REGARDING DISCIPLINARY ACTION.
WAC 132C-120-170	DISCIPLINARY ACTION.
WAC 132C-120-175	READMISSION AFTER DISMISSAL.
WAC 132C-120-180	SUMMARY SUSPENSION RULES.
WAC 132C-120-185	INITIATION OF SUMMARY SUSPENSION PROCEEDINGS.
WAC 132C-120-190	NOTICE OF SUMMARY PROCEEDINGS.
WAC 132C-120-195	PROCEDURES OF SUMMARY SUSPENSION HEARING.

WSR 85-07-052

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning licensing and operation of bonded wine warehouses, new section WAC 314-24-220;

that the agency will at 9:30 a.m., Wednesday, April 24, 1985, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.24.185, 66.08.030, 66.98.070 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is RCW 66.24.185.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 24, 1985.

Dated: March 14, 1985

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-24-220 Licensing and operation of bonded wine warehouses.

Description of Purpose: The addition of a new section to chapter 314-24 WAC would provide for the implementation of RCW 66.24.185 by establishing procedures necessary for regulating and licensing bonded wine warehouses.

Statutory Authority: RCW 66.24.185, 66.08.030, 66-98.070 and chapter 34.04 RCW.

Statutes Implemented by the Rule: RCW 66.24.185.

Summary of Rule: The proposed rule implements, pursuant to RCW 66.24.185, a class N bonded wine warehouse license for the storage of federally bonded bottled wine only off the premises of a domestic winery or a winery holding a Washington certificate of approval. Applications for a class N license shall be accompanied by such information as the board may request, and it is required that a surety bond in the amount of \$5,000.00 be in effect at all times. All receipts of and shipments of wine to include inventory on hand must be reported monthly to the board. Class N licensees may ship only to licensed Washington wine wholesalers, the Liquor Control Board, the producing winery, another bonded wine warehouse or for export out of the state.

Reason Supporting Proposed Action: This rule is necessary to implement legislation (RCW 66.24.185) which requires the adoption of administrative rules in specific areas to facilitate administration of the bonded wine warehouse license.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary W. Gilbert, Acting Supervisor, MIW Division, Capital Plaza Building, Olympia, WA 98504, (206) 753-6273, and James E. Hoing, Controller, Capital Plaza Building, Olympia, WA 98504, (206) 753-6258.

Person or Organization Proposing Rule: This rule was proposed by the Washington State Liquor Control Board.

Agency Comments: The rules were formulated with industry input so as to accommodate industry wishes yet retain needed control.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for this rule, excluding requirements already in statute, is minimal.

NEW SECTION

WAC 314-24-220 LICENSING AND OPERATION OF BONDED WINE WAREHOUSES. (1) There shall be a license for bonded wine warehouses pursuant to RCW 66.24.185, and this type of license shall be known as a class N license. Applications for a bonded wine warehouse license shall be on forms prescribed by the board and shall be accompanied by such information as the board may request including, but not limited to, a written description of the proposed method of shipping, receiving, inventory control, and security.

(2) The bonded wine warehouse shall be physically separated from any other use in such manner as prescribed by the board, and as a condition of license approval, the applicant must furnish the board appropriate documentation indicating the location of the bonded wine warehouse is properly zoned for the intended use.

(3) A bonded wine warehouse may provide storage for a domestic winery and for a United States winery outside the state of Washington holding a Washington certificate of approval. The wine must be under federal bond, and the Washington wine tax provided in RCW 66.24-.210 shall not be due until the wine is removed from bond and shipped to a licensed Washington wine wholesaler or, pursuant to RCW 66.12-.020, to the liquor control board who will be responsible to pay the tax based on their purchases.

(4) Every bonded wine warehouse license shall, on or before the twentieth day of each month, submit to the board for the previous month, upon forms furnished by the board or acceptable to the board, reports showing all receipts and shipments of wine and the total inventory on hand at the bonded warehouse.

(5) Shipments from the bonded wine warehouse may only be made to licensed Washington wine wholesalers, the liquor control board, the producing winery, another bonded wine warehouse or for export. Invoicing shall be by the titleholder. The titleholder shall report shipments to, and returns from the bonded wine warehouse and sales to Washington wine wholesalers, and/or the liquor control board on the twentieth day of the month following the month of shipment and/or sale on forms furnished by, or acceptable to, the board.

(6) At no time shall title to wine stored at the bonded wine warehouse pass to the operator of the bonded wine warehouse.

(7) "Storage of bottled wine only" as used in RCW 66.24.185(1) shall mean the storage of wine packaged for sale at retail (i.e. other than in bulk form).

(8) As a condition precedent to license issuance, a bonded wine warehouse licensee shall guarantee payment to the state of any and all taxes under RCW 66.24.210 in the event the winery or other entity storing wine in the bonded wine warehouse fails to immediately pay such tax when due. Such guarantee shall be in the form of the bond referred to in subsection (9) of this rule.

(9) As required by RCW 66.24.185(5) every holder of a bonded wine warehouse license must, at all times when said license is in force, have in effect and on file with the board a bond executed by a surety authorized to do business in the state of Washington, in a form approved by the board and in the amount of five thousand dollars.

WSR 85-07-053
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules regarding the allocation of RATA funds to approved RAP projects, chapter 136-160 WAC, and procedure for a county line project, WAC 136-160-024;

that the agency will at 3:00 p.m., Thursday, May 2, 1985, in the Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, 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 36.78 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 30, 1985.

Dated: March 12, 1985
By: Ernest Geissler
Director

STATEMENT OF PURPOSE

Procedure for a county line project.

Description of Purpose: To allow for a smooth transition between projects terminating and beginning at the county line.

Statutory Authority: Chapter 36.78 RCW.

Agency Personnel Responsible for Rule: Ernest Geissler, 6730 Martin Way N.E., Olympia, WA 98504, phone (206) 459-6425.

The rule is proposed by the County Road Administration Board and will be enforced by the board.

The rule is not the product of federal law or federal or state court action.

CHAPTER 136-160 REGARDING THE ALLOCATION OF RATA FUNDS TO APPROVED RAP PROJECTS

NEW SECTION

WAC 136-160-024 PROCEDURE FOR A COUNTY LINE PROJECT. Whenever a project is for the improvement of a road which continues into an adjacent county and the project terminus is within 1000 feet of the county line, the project application shall include a statement signed by the county engineer of the adjacent county certifying that the adjacent county engineer has been made aware of the proposed project and will cooperate with the applicant county engineer to the extent necessary to achieve a mutually acceptable design compatible with the required design standards.

**WSR 85-07-054
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
[Filed March 20, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules regarding provisions for audit of RAP projects, WAC 136-190-010, 136-190-020, 136-190-030, 136-190-040 and 136-190-050;

that the agency will at 3:00 p.m., Thursday, May 2, 1985, in the Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, 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 36.78 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 30, 1985.

Dated: March 12, 1985
By: Ernest Geissler
Director

STATEMENT OF PURPOSE

Procedures for audit of rural arterial program projects.

Description of Purpose: Provides for an audit of rural arterial program projects by the office of the state auditor at the same time a county audit is being done. Provides for a special audit at the request of the County

Road Administration Board with the County Road Administration Board providing payment.

Statutory Authority: Chapter 36.78 RCW.

Agency Personnel Responsible for Rule: Ernest Geissler, 6730 Martin Way N.E., Olympia, WA 98504, phone (206) 459-6425.

The rule is proposed by the County Road Administration Board and will be enforced by the board.

The rule is not the product of federal law or federal or state court action.

CHAPTER 136-190 REGARDING PROVISIONS FOR AUDIT OF RAP PROJECTS

NEW SECTION

WAC 136-190-010 PURPOSE. Chapter 49, Laws of 1983, Extraordinary Session (The Act), provides that the County Road Administration Board (CRABoard) shall administer the Rural Arterial Program (RAP). This WAC Chapter describes the provisions for audit of those RAP projects approved by the CRABoard.

NEW SECTION

WAC 136-190-020 AUDIT REQUIREMENTS. Rap project audits may be conducted by the State Auditor's Office and will normally be conducted in conjunction with the audits of the different counties of the state as required by RCW 43.09.260 and RCW 36.80-.080. Special audits of specific RAP projects may be accomplished at the request of the CRABoard. If a special audit is conducted outside the confines of those audits required by the above statutes, then the costs of the special audit shall be the responsibility of the CRABoard.

NEW SECTION

WAC 136-190-030 SCOPE OF AUDITS. The audit of any RAP project shall include but not limited to the review of the county's compliance with (1) the Provisions of The Act and (2) the rules in WAC 136 regarding implementation and administration of the Act, with detailed review of uses of county road taxes, application of RATA funds, and the various reporting requirements. The audit shall also include a review of the financial accounting and reporting of those funds associated with and received for the RAP project.

NEW SECTION

WAC 136-190-040 NONCOMPLIANCE AND QUESTIONED COSTS. If the audit of a RAP project reveals any area of noncompliance and/or questioned costs, then such exceptions shall be subject to comment by the Examiner within the audit report.

NEW SECTION

WAC 136-190-050 POST AUDIT PENALTY. In the event an exception has been noted within the audit report it shall be the duty of the CRABoard to discuss and evaluate the noted discrepancy. Discrepancies may be cause for the CRABoard to order the payback of improperly expended RATA funds as provided in the CRAB/County Contract (WAC 136-170-030) and/or withdrawal or denial of the Certificate of Good Practice of the county in question as provided in WAC 136-150-040.

**WSR 85-07-055
PROPOSED RULES
COUNTY ROAD
ADMINISTRATION BOARD
[Filed March 20, 1985]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the County Road Administration Board intends to adopt, amend, or repeal rules regarding administration of county construction projects,

chapter 136-18 WAC, preconstruction publication requirements, WAC 136-18-064, and postconstruction publication requirements, WAC 136-18-066;

that the agency will at 3:00 p.m., Thursday, May 2, 1985, in the Inn at the Quay, Foot of Columbia Street, Vancouver, Washington 98660, 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 36.78 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 30, 1985.

Dated: March 12, 1985

By: Ernest Geissler
Director

STATEMENT OF PURPOSE

Procedures for publication of road construction projects.

Description of Purpose: Provides for preconstruction and postconstruction publication of day labor projects.

Statutory Authority: Chapter 36.78 RCW.

Agency Personnel Responsible for Rule: Ernest Geissler, 6730 Martin Way N.E., Olympia, WA 98504, phone (206) 459-6425.

The rule is proposed by the County Road Administration Board and will be enforced by the board.

The rule is not the product of federal law or federal or state court action.

CHAPTER 136-18 REGARDING ADMINISTRATION OF COUNTY CONSTRUCTION PROJECTS

NEW SECTION

WAC 136-18-064 PRE-CONSTRUCTION PUBLICATION REQUIREMENTS. The pre-construction publication required by RCW 36.77.070 may be made at any time subsequent to the adoption of the annual road construction program by the county legislative authority, but no later than the commencement of day labor on the project or projects. The publication shall include a brief description of each project and the county engineer's estimate of each project cost showing right-of-way acquisition, preliminary engineering, contract work (if any) and work by day labor.

NEW SECTION

WAC 136-18-066 POST-CONSTRUCTION PUBLICATION REQUIREMENTS. The post construction publication required by RCW 36.77.070 may be made at any time subsequent to the completion of the day labor construction, but no later than October 30 of each year. The publication shall include the same description as in the pre-construction publication for each project and the actual expenditures made for right-of-way acquisition, preliminary engineering, contract work (if any) and work by day labor. Publication for projects completed after October 30 shall be made no later than December 31 of each year in the same manner described above.

WSR 85-07-056
PROPOSED RULES
SEATTLE COMMUNITY
COLLEGE DISTRICT

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Seattle Community College District intends to adopt, amend, or repeal rules concerning sexual harassment, chapter 132F-419 WAC:

- New WAC 132F-419-010 Sexual harassment policy.
- New WAC 132F-419-020 Procedural guidelines.
- New WAC 132F-419-030 Informal complaint procedures.
- New WAC 132F-419-040 Formal complaint procedures.
- New WAC 132F-419-050 Nondistrict options.
- New WAC 132F-419-060 Appropriate disciplinary action.
- New WAC 132F-419-070 Repeated offenses;

that the agency will at 4:00 p.m., Wednesday, April 24, 1985, in the Seattle Community College District Office Board Room, 300 Elliott Avenue West, Seattle, WA 98119, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 6, 1985.

The authority under which these rules are proposed is chapter 28B.50 RCW.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before April 23, 1985.

Dated: March 19, 1985

By: Donald G. Phelps
Chancellor

STATEMENT OF PURPOSE

Title and Number of Rule: Chapter 132F-419 WAC, Sexual harassment.

Statutory Authority: RCW 28B.50.140(13).

Specific Statute that Rule is Intended to Implement: Chapter 49.60 RCW.

Summary of the Rule: This rule provides a policy and procedures to be followed for complaints regarding sexual harassment within Seattle Community College District VI.

Reasons Supporting Proposed Action: Recognizing that sex discrimination in the form of sexual harassment is a violation of section 703, Title VII of the Civil Rights Act of 1964 and chapter 49.60 RCW, this rule provides a specific statement by Seattle Community College District regarding policy the district will follow and definitions supporting that policy. Related procedures identify a complaint process to be activated, appropriate college officials to be contacted, and preexisting formal complaint guidelines for each college constituency.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Donald G. Phelps, Ed.D., Chancellor, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-3872, and Julie Y. Hungar, Ed.D., Vice-Chancellor, Education and Administration, Seattle Community College District, 300 Elliott Avenue West, Seattle, WA 98119, (206) 587-3873.

Name of the Person or Organization Whether Private, Public or Governmental, that is Proposing the Change: Seattle Community College District VI.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

This rule is necessary to comply with section 703, Title VII of the Civil Rights Act of 1964, and chapter 49.60 RCW, which prohibits discrimination on the basis of race, color, religion, national origin, or sex.

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

A small business economic impact statement is not applicable.

Chapter 132F-419 WAC
SEXUAL HARASSMENT

WAC

132F-419-010	Sexual Harassment Policy
132F-419-020	Procedural Guidelines
132F-419-030	Informal Complaint Procedures
132F-419-040	Formal Complaint Procedures
132F-419-050	Non-District Options
132F-419-050	Appropriate Disciplinary Action
132F-419-060	Repeated Offenses

Reviser's note: The typographical error in the above digest occurred in the copy filed by the agency and appears herein pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 132F-419-010 **SEXUAL HARASSMENT POLICY.** Sexual harassment is an illegal activity and will not be tolerated in the Seattle Community College District. Students, faculty, and all other employees of the district shall be made aware that management will investigate all sexual harassment complaints. Awareness activities made available to all college groups will include appropriate training, workshops, and written materials providing information about sexual harassment, its prevention, and complaint procedures. Any employee or student who feels that she/he has been sexually harassed is encouraged to deal with the situation as outlined in the appropriate procedures.

In recognition of the fact that sex discrimination in the form of sexual harassment is a violation of section 703, title VII of the Civil Rights Act of 1964 and chapter 49.60 RCW, which prohibits discrimination on the basis of race, color, religion, national origin, or sex, Seattle Community College District hereby declares that sexual harassment of students and/or staff by other members of the district community will not be tolerated.

For purposes of this policy, sexual harassment will be defined as any behavior or action, either physical or verbal, which is sexual in nature and is unwanted, uninvited, or non-reciprocal, and:

- (1) submission to it is either an implicit or explicit condition of employment or educational opportunity; or
 - (2) submission to, or rejection of it is used as a basis for employment or educational decisions; or
 - (3) it has the purpose or effect of negatively interfering with the individual's work or educational performance or creating an intimidating, hostile, or offensive work or educational environment.
- It may include, but is not limited to the following:
- (1) unwelcome and/or repeated sexual advances.
 - (2) offensive, disparaging remarks about one's gender or appearance.
 - (3) remarks about one's physical appearance which implies sexual interest.

- (4) subtle pressure for sexual activity.
- (5) unnecessary offensive brushes or touches.
- (6) offensive sexual graffiti.
- (7) physical aggression such as pinching, patting, or grabbing.
- (8) sexual innuendos.
- (9) written communications with sexual overtones.
- (10) verbal sexually offensive remarks disguised as humor.
- (11) obscene gestures.

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

NEW SECTION

WAC 132F-419-020 **PROCEDURAL GUIDELINES.** (1) Students, faculty, staff, or administrators who feel they have been victims of sexual harassment by a district employee are encouraged to file an informal complaint through the designated college official. The college will carry out any investigation in such a way as to protect the rights of both the complainant and the respondent.

(2) Designated college officials:

(a) The affirmative action officer of the campus or unit is responsible for immediately initiating the investigative process for alleged infractions of this policy when the complainant is an employee of the District or when a student is complaining against an employee.

(b) The dean of students is responsible for immediately initiating the investigative process for alleged infractions of this policy where a student is complaining against another student.

(3) Immediate and appropriate investigative action should be taken regarding alleged acts of sexual harassment involving:

(a) the conduct of a faculty member in a faculty-student relationship.

(b) the conduct of an individual in the paid employment of the District who may grant or withhold benefits to students and employees.

(c) the conduct of any college supervisory employee.

(d) the conduct between fellow employees of the college.

(e) the conduct of college agents.

(f) the conduct of non-employees when it occurs related to college-sanctioned activities and hampers the educational or college work environment.

(g) the conduct of students in daily classes and activities.

NEW SECTION

WAC 132F-419-030 **INFORMAL COMPLAINT PROCEDURES.** When a person believes that she/he has been sexually harassed, the complainant may contact one of the designated college officials for informal assistance. This person will provide the complainant with procedures and suggestions to enable him/her to resolve the problem or to initiate the appropriate complaint process. Complainants will be informed that they may choose an advocate from an available list or of their own choosing to assist with the process.

The designated college official will discuss the complaint with the respondent with the intent that the complaint may be resolved in an informal manner based on consent of the parties concerned. Anonymity of the complainant will be protected where appropriate. In the event the severity of the case merits other intervention or is not resolved to the satisfaction of the complainant, the following procedures will be followed:

(a) The complainant shall file a written complaint with the designated college official stating the times, dates, places, and circumstances surrounding the allegations.

(b) The designated college official will notify the appropriate supervisor who will speak informally with the respondent and provide a copy of the written complaint, in an effort to resolve the complaint.

NEW SECTION

WAC 132F-419-040 **FORMAL COMPLAINT PROCEDURES.** If no satisfactory resolution can be achieved at the informal level, the complainant will file a formal written complaint according to the appropriate complaint procedure. The Seattle Community College District affirmative action plan formal complaint procedures shall be invoked unless the complainant chooses one of the other applicable formal complaint/grievance procedures for SCCD:

(a) students - SCCD policies and procedures - policy 370, "Student Complaints," or policy 375, "Student Conduct"

(b) faculty - SCCD/SCCFT Agreement - Article XI, Section C, Grievance Procedure, Level I: Informal Grievance, and Level II: Formal Grievance, only

(c) classified staff - SCCD policies and procedures - policy 443, "Grievance Procedures"

NEW SECTION

WAC 132F-419-050 **NON-DISTRICT OPTIONS.** At any point during these proceedings, the complainant may choose to file sexual

harassment complaints concurrently with the Human Rights Commission, Equal Employment Opportunity Commission, Office of Federal Contract Compliance, or the Office of Civil Rights. However, complainants are encouraged to use the internal complaint procedures to resolve complaints.

NEW SECTION

WAC 132F-419-060 APPROPRIATE DISCIPLINARY ACTION. Findings of discrimination in the form of sexual harassment will result in immediate and appropriate disciplinary action, which may include but is not limited to the following:

- (1) Reprimand
- (2) Suspension
- (3) Dismissal

NEW SECTION

WAC 132F-419-070 REPEATED OFFENSES. When a complaint is made against someone who has been found in the past to have been in violation of the sexual harassment policy, the person receiving the complaint may determine whether the complaint should be filed initially as a formal complaint or grievance. The disciplinary measure chosen for repeating offenders should take into account the repeated lack of compliance by the offender and should be more severe/extreme.

WSR 85-07-057
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of General Administration intends to adopt, amend, or repeal rules dealing with the flying of various flags at the east and west campus flag plazas, WAC 236-20A-010.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 23, 1985.

The authority under which these rules are proposed is chapter 43.19 RCW.

The specific statute these rules are intended to implement is RCW 43.19.125.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 20, 1985

By: J. A. Helmlinger
 Director

STATEMENT OF PURPOSE

Title: WAC 236-20A-010 dealing with the flying of various flags at the east and west campus flag plazas.

Statutory Authority: RCW 43.19.125.

Reason for the Change: To delete the portion relating to the Bicentennial flag and generalize it to "other flags."

Agency Contact Person Responsible for Drafting of this Rule: John A. Helmlinger, Director, Division of Capitol Buildings and Grounds.

Organization Proposing this Rule Change: Department of General Administration, Division of Capitol Buildings and Grounds.

No agency recommendations or comments.

This change is not necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Not applicable.

AMENDATORY SECTION (Amending Order 76-3, filed 3/15/76)

WAC 236-20A-010 FLAG PLAZAS. The flag plazas on the east and west capitol campus are designated as the official locations for display of the United States and Washington state flags on the state capitol grounds. The United States flag and the Washington state flag will be flown permanently at these locations. ~~((The American Revolution Bicentennial flag will be flown at the west campus flag plaza during the American Bicentennial year.))~~

The flags of visiting United States governors and ~~((of foreign))~~ dignitaries and other flags may be flown at the discretion of the governor of the state of Washington.

No other flags will be flown on any poles at the east or west capitol flag plazas.

WSR 85-07-058
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Agriculture intends to adopt, amend, or repeal rules concerning corn seed certification standards, chapter 16-316 WAC;

that the agency will at 1:00 p.m., Tuesday, April 23, 1985, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 30, 1985.

The authority under which these rules are proposed is chapter 15.49 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 20, 1985

By: Art G. Losey
 Assistant Director

STATEMENT OF PURPOSE

Title: WAC 16-316-906, 16-316-911, 16-316-921, 16-316-945, 16-316-950, 16-316-955 and 16-316-960.

Description of Purpose: To add two varieties to the corn seed certification standards and include a specific due date for applications.

Statutory Authority: Chapter 15.49 RCW.

Summary of Rules: These rules consist of standards and requirements for certification of corn seed.

Reasons for Supporting Proposed Action: To set standards for two additional varieties of corn seed.

Agency Personnel Responsible for Drafting, Enforcing and Implementing Rules: Max G. Long, Seed Branch Supervisor, 2015 South 1st Street, Yakima, WA 98903, scan 558-2750.

Persons Proposing Rules: Washington State Department of Agriculture.

Agency Comments: None.

Rule Amendments Necessary to Comply with Federal Laws: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-906 CERTIFICATION FEES.

- (1) Fees for applications for each separate combination and/or isolation \$15.00
 (2) Acreage fee:
 (a) First acre \$25.00
 (b) Each additional acre \$10.00
 except for hybrid corn seed each additional acre \$ 3.50
 (3) Due date for applications is June 1.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)WAC 16-316-911 CORN SEED ELIGIBILITY (~~==FOUNDATION CORN INBRED LINES~~). (1) Foundation corn inbred lines:

(a) For the purposes of certification, the propagation of male sterile inbred lines shall be subject to the same requirements and rules as apply to foundation single crosses.

~~((2))~~ (b) An inbred line (~~must~~) shall be a relatively true breeding strain of corn resulting from ~~((a))~~ at least five successive generations of controlled self-fertilization; ~~((b))~~ at least five generations of backcrossing to a recurrent parent with selection; or ~~((c))~~ its equivalent.

~~((3))~~ Inbred seed must meet one of the following requirements:

- (a) Be in the hands of the originator.
 (b) Be a line obtained directly from a state agricultural experiment station.
 (c) Be a line obtained from the United States department of agriculture.
 (d) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

~~((4))~~ (c) Inbred lines increased by hand pollination will be eligible for certification.

~~((5))~~ (d) An inbred used as a pollinator in a foundation single cross production field may be certified provided all the seed parents in the isolated field are inspected for certification and meet all field requirements for certification.

~~((6))~~ (e) Addition of specific genetic factors to a line.

~~((a))~~ (i) When a specific genetic factor(s) is added to an inbred line, the line (~~must~~) shall have been backcrossed to its recurrent parent at least five generations. The line (~~must~~) shall be homozygous for the specific genetic factor(s) except for ~~((b))~~ the pollen restoration factor(s), and ~~((c))~~ the genic male sterile maintainer line.

~~((b))~~ (ii) For a recovered pollen restorer inbred line, selection (~~must~~) shall be relative to a specific cytoplasmic male sterile source.

~~((c))~~ (iii) Proof of the genetic nature of a recovered line (~~will~~) shall be supplied by the originator.

~~((d))~~ (iv) A genic male sterile maintainer line, consisting of duplicate-deficient and male-steriles in an approximate one to one ratio, shall be no more than two generations removed from breeder's seed. The maintainer shall be designated according to generation as:

~~((A))~~ (A) Breeder seed: The hand pollinated selfed seed from a known duplicate-deficient plant heterozygous at a particular male sterile locus.

~~((B))~~ (B) Foundation I seed: The product of random-mating among fertile plants arising from breeder seed.

~~((C))~~ (C) Foundation II seed: The product of random-mating among fertile plants arising from foundation I seed.

~~((v))~~ (v) A genic male sterile line shall be a strain homozygous for a particular male sterile recessive allele.

~~((vi))~~ (vi) The genic male sterile lines shall be identified as to the recessive genes they carry, e.g., B37 ms-1, N26 ms-10. The maintainer lines shall be identified not only for the male sterile gene for which it is heterozygous, but for the specific translocation from which it was derived, e.g., B37 Mt-1 ms-1, N28 Mt-1 ms-10.

(2) Foundation corn single crosses:

(a) Foundation single cross. A foundation single cross shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or two foundation back crosses.

(b) Foundation back crosses:

(i) A first generation foundation back cross shall be the first generation cross between a foundation single cross of related inbred lines and an inbred line which shall be of the same as one of the inbreds in the foundation single cross.

(ii) A second generation foundation back cross shall be made by using a first generation back cross as the seed parent and the pollinating parent shall be an inbred line. The inbred line shall be the same as the

inbred parent used in making the first generation back cross seed parent.

(c) A male sterile line may be substituted for its fertile counterpart as one parent of a foundation single cross: PROVIDED, That the male sterile line has been backcrossed for not less than five generations to its fertile counterpart, or the male sterile line is the same in other characteristics as its fertile counterpart.

(d) Male sterile lines propagated by hand pollination will be eligible for certification.

(e) A pollen restoring line may be substituted for its nonrestoring counterpart in a foundation single cross: PROVIDED, That the pollen restoring line is the same in other characteristics as its nonrestoring counterpart.

(3) Hybrid corn seed:

(a) Hybrid corn seed is seed to be planted for the production of feed or for use other than seed. It may be any one of the following:

(i) Double cross - the first generation cross between two foundation single crosses.

(ii) Three-way cross - the first generation cross between a foundation single cross as one parent and an inbred line or a foundation back cross as the other parent.

(iii) Single cross - shall consist of the first generation of a cross between: Two inbred lines; an inbred line and a foundation back cross; or of two foundation back crosses.

(b) Foundation single cross seed and foundation back cross seed planted for the production of double cross, single cross, or three-way cross hybrid corn seed shall have been completely certified by a recognized seed certifying agency.

(c) Inbred line seed planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall meet the requirements for the definition of an inbred line (as provided for in subsection (1)(b) of this section) and be certified.

(d) Only the class "certified" is recognized.

(4) Inbred seed and the seed of each parent for single crosses shall meet one of the following requirements:

(a) Be in the hands of the originator;

(b) Be a line obtained directly from the originator;

(c) Be a line obtained from a state agricultural experiment station;

(d) Be a line obtained from the United States department of agriculture; or

(e) Be certified. Evidence of eligibility shall be a certification tag taken from the seed planted.

AMENDATORY SECTION (Amending Order 1831, filed 6/15/84)

WAC 16-316-921 FIELD STANDARDS. (1) Isolation requirements:

(a) An inbred (~~must~~) shall be so located that it is not less than six hundred and sixty feet from other corn except when the inbred is grown as a pollinator in a single cross production field. In this case any ear parent(s) in the same isolated field (~~must~~) shall be entered for certification, inspected, and meet all field requirements for certification.

~~((b))~~ (b) A specific foundation single cross shall be located so the seed parent is not less than six hundred and sixty feet from other corn for pollinator rows and other seed parent(s) in the same isolated field shall be applied for certification.

(c) Differential maturity dates are permitted for modifying isolation distances for inbred lines or male sterile inbred line increases provided there are no receptive silks in the ear or seed parent at the same time pollen is being shed in the contaminating field.

~~((c))~~ (d) Foundation inbred or single cross production fields of dent sterile popcorn need not be isolated from yellow dent field corn.

~~((b))~~ (e) Corrections for improper isolation (~~must~~) shall be made by one of the following methods:

(i) By completely destroying or by detasseling, the necessary contaminating corn before silks appear in the ear or seed parent in the field to be certified; or

(ii) By completely destroying, before the final field inspection, the plants which are improperly isolated from the contaminating corn.

(2) For single crosses, the maximum distance a seed parent row shall be from a pollen parent row is nine feet.

(3) For single crosses, the minimum population of pollen shedding plants per acre shall be two thousand. Ineffective pollen parent plants shall not be counted.

(4) Single cross fields being inspected for certification shall contain not less than four hundred pollen plants per acre that are actively

shedding pollen when more than twenty-five percent of the seed parent silks are apparently receptive.

(5) Single cross detasseling or pollen control. More than five percent of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation of a specific foundation single cross shall not be accepted for certification if at one inspection more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) Cytoplasmic male sterile seed parent plants - detasseling (cutting or pulling) to control plant pollen shall be permitted.

(6) Roguing:

(a) Definitely off-type plants ((must)) shall be destroyed completely so that suckers will not develop. Plants showing definite hybrid vigor or a definitely different type from the inbred or parent being inspected shall be classified as definitely off-type.

(b) For inbred lines, an isolation in which more than one-tenth of one percent (one per one thousand) of definitely off-type plants have shed pollen, when at the same time more than five percent of the plants have apparently receptive silks, shall not be certified.

(c) For single crosses, an isolation in which more than one-tenth of one percent of definitely off-type plants are present in the seed parent, when the silks have turned brown, shall not be eligible for certification.

(d) Sucker tassels and portions of tassels of off-type plants ((with)) shall be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two has the anthers extended from the glumes.

NEW SECTION

WAC 16-316-945 FIELD STANDARDS—HYBRID CORN SEED. (1) Isolation:

(a) A specific hybrid shall be located so that the seed parent is not less than six hundred and sixty feet from corn of a different color or texture with the following exceptions:

(i) Hybrid seed production fields of dent sterile popcorn need not be isolated from yellow dent field corn; or

(ii) When the contaminating corn is of a different color or texture aggregating less than one-fourth on one exposure, the isolation distance may be modified in accordance with the table listed in this section.

(2) A specific hybrid shall be located so that the seed parent is not less than four hundred and fifteen feet from other corn of the same color or texture. This distance may be modified by the planting of pollen parent border rows and the size of the crossing field according to the following table.

Field Size* = 1-20 Acres		Field Size* = 21 Acres or more	
Distance from other corn in feet	Minimum border rows required	Distance from other corn in feet	Minimum border rows required
415	0	415	0
395	1	375	1
375	2	330	2
355	3	290	3
330	4	250	4
310	5	210	5
290	6	165	6
270	7	125	7
250	8	85	8
230	9	45	9
210	10	less than 45	10
185	11		
165	12		
145	13		
125	14		
105	15		
85	16		

*Different dates of planting will not divide a field for isolation purposes but may divide the field for detasseling inspection.

(a) The border rows and pollen parent rows shall be planted with certified first generation seedstock, shall be shedding pollen simultaneously with silk emergence of the seed parent and shall not be separated from the seed parent by more than thirty-three feet.

(b) A field planted with the same eligible pollen parent may be used as an isolation buffer: PROVIDED, That it is applied for certification, inspected and meets field requirements for certification.

(c) Full credit shall not be given where poor stands of border corn exist, where the border rows have been detasseled, or where, for any reason, the border rows are not shedding pollen as plentifully as the pollen parent rows. Because of the difficulty of obtaining and maintaining a good stand of corn, the planting of more than the minimum number of border rows is recommended.

(d) The maximum distance a seed parent row shall be from a pollen parent row is fifteen feet.

(3) Corrections for improper isolation shall be made by one of the following methods:

(a) By completely destroying or by detasseling the necessary contaminating corn before silks appear in the seed parent in the field to be certified; or

(b) By completely destroying, before the final field inspection, the seed producing plants which are improperly isolated from contaminating corn.

(4) Detasseling or pollen control. More than five percent of the stalks of the seed parent shall have apparently receptive silks for the following provisions to apply. Apparently receptive silks are emerged silks which are not wilted or brown.

(a) An isolation will not be accepted for certification if at one inspection more than one percent of the stalks of the seed parent have shed pollen, or if the total number having shed pollen on any three days of inspection exceeds two percent.

(b) When more than one combination is being grown in the same isolation and the seed parent of one or more of them is shedding pollen in excess of one percent, all seed parents having five percent or more apparently receptive silks at the time shall be disqualified unless adequately isolated from the shedding seed parent.

(c) Sucker tassels and portion of tassels will be counted as shedding pollen when two inches or more of the central stem, the side branches, or a combination of the two have the anthers extended from the glumes.

(5) A male sterile seed parent can be used to produce certified hybrid corn seed by either of two methods:

(a) Seed of the normal fertile seed parent shall be mixed with the seed of the male sterile seed parent of the same pedigree either by blending in the field at harvest or by size at conditioning time. The ratio of male sterile seed parent seed to normal seed parent seed should not exceed two to one.

(b) The male parent shall involve a certified pollen restoring line or lines so that not less than one-third of the plants grown from the hybrid corn seed produce pollen which appears to be normal in quantity and viability.

(6) Roguing:

(a) Definitely off-type plants in a parent line planted for the production of single cross or three-way cross hybrid corn seed to be used for grain or forage production shall be completely destroyed so that suckers will not develop.

(b) Plants showing definite hybrid vigor or a definitely different type from the parent being inspected shall be classified as definitely off-type.

(c) An isolation in which more than two-tenths of one percent of definitely off-type plants in the parent or parents have shed pollen, at a time when more than five percent of the seed parent plants have apparently receptive silks, shall be disqualified for certification.

NEW SECTION

WAC 16-316-950 SEED INSPECTION—FOUNDATION CORN SINGLE CROSSES AND INBRED LINES. When excessive off-type or different textured kernels are observed at the time of ear inspection and the off-type kernels are detectable in the shelled seed, the applicant may have the option of shelling the ears to attempt to remove the kernels by mechanical or other means. The sampled seed after conditioning shall not contain in excess of three-tenths of one percent of the off-type kernels.

NEW SECTION

WAC 16-316-955 SEED INSPECTION AND STANDARDS—HYBRID CORN SEED. (1) Genetic

Factor	Standard Certified Class
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Other varieties and off-types (maximum)	0.5%
Off-textured kernels in opaque 2, flowery 2 and waxy (maximum)	1.0%

(2) Quality

Factors	Standards
Pure seed (minimum)	98.0%
Total other crops - including other varieties (maximum)	0.5%
Total weed seed (maximum)	None
Total inert matter (maximum)	2.0%
Germination (minimum)	90.0%
Moisture (maximum)	14.0%

NEW SECTION

WAC 16-316-960 EAR INSPECTION AND WINTER GROWOUTS—FOUNDATION CORN SINGLE CROSSES AND INBRED LINES. (1) Foundation single crosses and inbred lines shall be either inspected in the ear or included in a winter growout.

(2) Foundation single crosses and inbred lines to be ear inspected shall be inspected after the applicant indicates they are sorted and ready for inspection.

(3) A seed lot shall not contain in excess of one-tenth of one percent of definitely off-type ears or more than five-tenths of one percent of ears with off-colored or different textured kernels which would not exceed a total of twenty-five off-colored seeds or different textured kernels per one thousand ears.

(4) Winter growouts:

(a) When differential maturity dates or detasseling within the required isolation distance are permitted for modifying isolation distances for foundation male sterile inbred line increases or foundation inbred lines, winter growouts are required in addition to other standards.

(b) The applicant may choose to have a winter growout in lieu of ear inspection.

(c) Seed shelled before ear inspection shall be included in a winter growout.

(d) Standards for winter growouts are:

(i) Percentage of off-types allowed shall not exceed one percent.

(ii) Growouts shall be made on one round and/or flat separation, or on individual grade sizes.

(iii) The inspection fee for winter growouts shall be charged to the applicant at actual cost.

WSR 85-07-059**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF FISHERIES**

[Filed March 20, 1985]

The Washington State Department of Fisheries withdraws filing WSR 85-04-043, regarding gear reduction program rules. It has been determined that this regulation is redundant, and notice of repeal will be filed.

Russell W. Cahill
for William R. Wilkerson
Director

WSR 85-07-060**ADOPTED RULES****DEPARTMENT OF PERSONNEL
(Personnel Board)**

[Order 219—Filed March 20, 1985]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin Street,

Olympia, WA 98504, that it does adopt the annexed rules relating to Certification—Selective—When permitted, amending WAC 356-26-130.

This action is taken pursuant to Notice No. WSR 85-04-031 filed with the code reviser on February 1, 1985. 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 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 14, 1985.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 138, filed 11/30/79, effective 1/1/80)

WAC 356-26-130 CERTIFICATION—SELECTIVE—WHEN PERMITTED. An appointing authority may request a selective certification of eligibles who have specialized qualifications that are required for the successful performance of the duties of the position. This request must be made prior to certification.

If the director of personnel determines that the facts and reasons justify the request, the highest ranking eligibles who have the specialized qualifications shall be certified.

(1) Selective certification of eligibles of only one sex shall not be made unless there is clear evidence that efficient performance of duties to be assigned could be performed by only the sex specified.

(2) Notwithstanding any other provision of these Rules, selective certification from the open competitive register may be initiated by the director of personnel to increase employment of minority personnel, which for purposes of this regulation shall include Blacks, Orientals, Indians, other nonwhites, and Mexican- and Spanish-Americans. Such selective certification may be initiated when the director of personnel determines that minority personnel are, in proportion to the total minority population of the state, under-represented either within state employment as a whole or in a geographical area of work. Such selective certification shall apply only when all names are from the open competitive register.

(3) The director of personnel may selectively certify eligibles who are filling project positions to fill permanent positions. Such selective certification shall apply only from names on an open competitive register.

(4) Selective certification of eligibles who possess an appropriate, valid motor vehicle operator's license may be required for positions whose duties require specific driving skills.

WSR 85-07-061
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Filed March 20, 1985]

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 Hoquiam, city of, WAC 173-19-2204;

that the agency will at 2:00 p.m., Tuesday, April 23, 1985, in Room 273, Department of Ecology Headquarters, St. Martin's College Campus, Lacey, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 23, 1985.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 18, 1985.

Dated: March 20, 1985

By: Glen H. Fiedler
 Deputy Director

STATEMENT OF PURPOSE

Title: Amending WAC 173-19-2204 Hoquiam, city of.

Description of Purpose: Adoption of revised shoreline master programs into the state master program, chapter 173-19 WAC.

Statutory Authority: RCW 90.58.120 and 90.58.200.

Summary of Rule: The amendments adopt revisions to the shoreline master program for the city of Hoquiam.

Reasons Supporting Proposed Action: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Administrative Procedure Act.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jeanne Holloman, WDOE, Mailstop PV-11, Olympia, WA 98504, (206) 459-6287.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: [No information supplied by agency.]

AMENDATORY SECTION (Amending Order DE 80-30, filed 7/3/80 [7/31/80])

WAC 173-19-2204 HOQUIAM, CITY OF. City of Hoquiam master program approved April 14, 1976. Revisions approved July 29, 1980. Revision approved April 23, 1985.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 85-07-062
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amend, or repeal rules concerning the use of restricted use desiccants and defoliants in Walla Walla County, WAC 16-230-190;

that the agency will at 1:00 p.m., Wednesday, April 24, 1985, in the County-City Building, Rose and Mullen, Walla Walla, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 1, 1985.

The authority under which these rules are proposed is chapters 15.58 and 17.21 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 24, 1985.

Dated: March 20, 1985

By: Art G. Losey
 Assistant Director

STATEMENT OF PURPOSE

This rule relates to the use and application of restricted use desiccants and defoliants in Walla Walla County. Statutory Authority: Chapters 17.21 and 15.58 RCW.

The sections codified under WAC 16-230-190 are established to regulate the use of restricted use desiccants and defoliants to protect susceptible crops from drift of these herbicides.

Agency Personnel Responsible for Drafting and Implementation: Art G. Losey, Assistant Director, Washington Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504, phone (206) 753-5064; and Enforcement: F. Clarke Brown, Compliance Chief, Washington Department of Agriculture, 2015 South First Street, Yakima, Washington 98903, phone (509) 575-2746.

Proponents: Walla Walla Gardener's Association.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Economic Impact Statement: None.

WAC 16-230-190 RESTRICTIONS ON THE USE OF (~~DIQUAT AND PARAQUAT~~) RESTRICTED USE DESICCANTS AND DEFOLIANTS IN WALLA WALLA COUNTY. (1) The aerial application of all desiccants and defoliants is hereby prohibited in Walla Walla county.

(a) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Walla Walla county. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Walla Walla county.

(2) Area 1 description - Town of Walla Walla and vicinity: This area includes all lands lying within the Town of Walla Walla and vicinity beginning at the Washington state line at the common boundary line between Sections 15 and 16, T6N, R34E, north along Hoon Road and continuing north on McDonald Bridge Road; across U.P.R.R. and Highway 12; thence north four miles more or less to the northwest corner of Section 10, T7N, R34E, thence east twenty miles to the northeast corner of Section 11, T7N, R37E; thence south seven miles

more or less to the Washington-Oregon state line; thence west to the point of beginning.

~~((2))~~ (3) Area 1 restrictions:

(a) The application of Paraquat or Diquat or any mix containing Paraquat or Diquat is hereby prohibited in Area 1: PROVIDED, That the department, upon written request, may issue a permit for the use of Paraquat for special weed control by ground equipment only in the area lying northwest of Dry Creek in Area 1.

~~((b) The loading and/or mixing of Paraquat or Diquat for aerial application is prohibited on any airstrip, airfield or any location within Area 1 of Walla Walla county. Aerial application equipment used for Paraquat or Diquat applications must be decontaminated prior to bringing the application equipment back into Area 1 of Walla Walla county. PROVIDED, That the loading and/or mixing of Paraquat shall be allowed at the Walla Walla airport and those aircraft are restricted to exit and enter the airport to the north over Sections 10 and 11, T7N, R36E.)~~

~~((3))~~ (4) Area 2 description - southern portion of Walla Walla county: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the west section line of Section 14, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence east along the Dodd Road to the Touchet River; thence northerly along the Touchet River to north section line of Section 6, T8N, R34E; thence east along section lines twenty-two miles or less to the northeast corner of Section 2, T8N, R37E; thence south along section lines seven miles more or less to the southeast corner of Section 2, T7N, R37E; thence west along section lines twenty miles more or less to the southwest corner of Section 3, T7N, R34E; thence south along section lines seven miles more or less to the Washington-Oregon border; thence west along the border five miles more or less to the point of beginning.

~~((4))~~ (5) Area 2 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any mixture containing Paraquat must have approval by obtaining a written permit from the Washington state department of agriculture ~~(; and have a pesticide investigator on site at the time of any aerial application))~~.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During ~~((a))~~ the period of February 15 through November 1 of any year, the application of Diquat or any mixture containing Diquat is hereby ~~((restricted to ground apparatus))~~ permitted only upon obtaining a permit from the Washington state department of agriculture.

(ii) Applications shall be limited to a total of 150 acres per day.

(iii) Prior to July 16 of each year, growers desiring to use Diquat must report their total number of acres of alfalfa seed to the Washington state department of agriculture on a form furnished by the department. By August 10 of each year, the department will allocate each grower the number of acres that Diquat may be used.

(iv) Permits will be valid for only 24 hours and will be issued each day for the following day's application. If weather conditions are such to prevent Diquat application, the department may renew the permits.

(v) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

~~((5))~~ (6) Area 3 description - an area lying west of Area 2 in the southern part of Walla Walla county: This area includes all lands lying within an area encompassed by a line beginning at the Washington-Oregon border and the east section line of Section 15, T6N, R33E; thence north along the section lines five miles more or less to the Touchet River North Road; thence north on the Touchet River North Road five miles more or less to the Dodd Road; thence southwest along the Dodd Road and Maxwell Road four miles more or less to its intersection with the western section line of Section 6, T7N, R33E; thence south along the section lines eight miles more or less to the Washington-Oregon border; thence east along the Washington-Oregon border four miles more or less to the point of beginning.

~~((6))~~ (7) Area 3 restrictions:

(a) Paraquat restrictions:

(i) During the period of February 15 through November 1 of any year, the application of Paraquat or any mixture containing Paraquat must have prior approval by obtaining a written permit from

Washington state department of agriculture ~~(; and have a pesticide investigator on site at the time of any aerial application))~~.

(ii) The application of Paraquat or any mixture containing Paraquat is hereby prohibited from three hours prior to sunset until the temperature in the morning has risen at least 10 degrees above the night low temperature.

(b) Diquat restrictions:

(i) During the period of February 15 through November 1 of any year, all applications of Diquat or any mixture containing Diquat is hereby ~~((restricted to ground apparatus))~~ permitted only upon obtaining a written permit from the Washington state department of agriculture.

(ii) Visco elastic additives must be added to all Diquat applications and applicable label directions for that product must be followed.

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 85-07-063

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 23, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 23, 1985.

Dated: March 20, 1985

By: William R. Wilkerson
Director

STATEMENT OF PURPOSE

Title: WAC 220-56-255.

Description of Purpose: Modify halibut season.

Statutory Authority: RCW 75.08.080.

Summary of Rule: Extend halibut season to encompass period February 1st through December 31st.

Reason Supporting Proposed Action: Harvestable numbers of halibut are available as determined by the International Pacific Halibut Commission.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Mark Rederson, 115 General Administration Building, Olympia, Washington, 753-6716; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Washington Department of Fisheries.

Comments: No public hearing is scheduled.

This proposal is not the result of federal law or court order.

Small Business Economic Impact Statement: No effect; this rule regards the recreational take of halibut only.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-255 HALIBUT—SEASON. It (~~shall be~~) is unlawful to (~~take~~) fish for or possess halibut ~~taken~~ for personal use (~~by angling~~) except from (~~March~~) February 1 through (~~October~~) December 31.

WSR 85-07-064
PROPOSED RULES
DEPARTMENT OF FISHERIES

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fish reporting rules;

that the agency will at 10:00 a.m., Wednesday, April 24, 1985, in the Large Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 1, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 24, 1985.

Dated: March 20, 1985
 By: William R. Wilkerson
 Director

STATEMENT OF PURPOSE

Title: WAC 220-69-300 Commercial food fish and shellfish transportation ticket.

Description of Purpose: Create a transportation document, and provide rules for use of such document.

Statutory Authority: RCW 75.08.080.

Summary of Rule: A transportation ticket will accompany commercial quantities of food fish and shellfish.

Reasons Supporting Proposed Action: The present rules allow undocumented transportation of commercial quantities of food fish and shellfish, and patrol officers are unable to ascertain if the fish were taken lawfully without holding the fish for a period of time that might induce spoilage.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Robert A. Turner, 115 General Administration Building, Olympia, Washington, 753-6627; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

This rule is proposed by the Washington Department of Fisheries.

Comments: None.

This proposal is not the result of federal law or court order.

Small Business Economic Impact Statement: Minimal impact is expected, as the Department of Fisheries will provide the transportation tickets at no charge, and the amount of time needed to complete an individual ticket is negligible.

NEW SECTION

WAC 220-69-300 COMMERCIAL FOOD FISH AND SHELLFISH TRANSPORTATION TICKET. (1) It is unlawful for any person to transport commercial quantities of food fish or shellfish unless the transporter has in possession a completed State of Washington Commercial Food Fish and Shellfish Transportation Ticket (referred to hereafter as a "transportation ticket").

(2) The transportation ticket shall contain space for:

(a) The name of the fisherman who caught the fish or the name of the original receiver having possession of the fish.

(b) The signature of the fisherman or additional operator of the fishing vessel or the signature of the original receiver or authorized representative of the original receiver.

(c) The name of the transporter.

(d) The signature of the transporter.

(e) The catch area where the food fish or shellfish were caught.

(f) The gear type used to catch or harvest the food fish or shellfish.

(g) The species of food fish or shellfish being transported.

(h) The number or approximate pounds of food fish or shellfish being transported.

(i) The fisherman's or original receiver's license number.

(j) The fish receiving ticket documenting receipt of the fish.

(3) The information in (a) through (i) of subsection (2) of this section are required entries on all completed transportation tickets.

(4) The transportation ticket is to be mailed together with the state copy of the fish receiving ticket as provided for in WAC 220-69-260, -262, -264, and -26401.

(5) The provisions of this section do not apply to commercial quantities of food fish and shellfish purchased at retail, provided the purchaser has, in possession, a sales receipt documenting purchase of the food fish or shellfish.

(6) It is unlawful for any transporter of commercial quantities of food fish or shellfish to fail to show the transportation ticket, on demand, to a fisheries patrol officer or ex-officio fisheries patrol officer.

WSR 85-07-065
PROPOSED RULES
DEPARTMENT OF FISHERIES

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning commercial fish reporting rules;

that the agency will at 10:00 a.m., Wednesday, April 24, 1985, in the Large Conference Room, General Administration Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on May 1, 1985.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before April 24, 1985.

Dated: March 20, 1985
By: William R. Wilkerson
Director

STATEMENT OF PURPOSE

Title: WAC 220-20-016 Sale of commercial caught salmon; 220-56-110 Possession of personal-use food fish and shellfish; 220-56-175 Salmon catch record cards; 220-69-215 Compliance and misrepresentation; 220-69-230 Description of Washington state nontreaty fish receiving tickets; 220-69-234 Description of treaty Indian fish receiving ticket; 220-69-240 Duties of commercial purchasers and receivers; 220-69-250 Required information on nontreaty fish receiving tickets; 220-69-254 Required information on treaty Indian fish receiving tickets; 220-69-264 Distribution of copies of treaty Indian fish receiving tickets; 220-69-272 Treaty Indian identification cards; 220-69-274 Signatures; and 220-69-280 Fish receiving ticket accountability.

Description of Purpose: Modify salmon possession rules; modify commercial fish reporting rules; clarify when fish receiving ticket is to be used; and update allowable fish ticket series.

Statutory Authority: RCW 75.08.080.

Summary of Proposed Rule: WAC 220-20-016, allow up to one sport limit of commercially caught fish to be retained for personal use; 220-56-110 and 220-56-175, modify sport regulations to allow commercially caught fish to be retained without punch card, and allow limited intermingling of fish; 220-69-215, adds transportation ticket as document not to be falsified; 220-69-230, 220-69-234, 220-69-254, 220-69-272 and 220-69-274, these changes all reflect the reporting of take home fish on fish receiving tickets and the requirement that treaty Indians sign the tribal copy of the fish receiving ticket only; 220-69-240, clarifies when a fish receiving ticket is to be filled out; 220-69-264, identifies the Northwest Indian Fisheries Commission as the reception site for mailed treaty Indian fish tickets; and 220-69-280, adds Series L through N to acceptable fish tickets.

Reasons Supporting Proposed Action: In order to get an accurate estimate of the amount of fish removed from the resource, it is necessary to get all the fish on to the fish tickets. By legalizing take home fish, it is expected that unreported fish will show up on both Indian and non-Indian fish tickets; it is necessary to clarify when fish receiving tickets are required; the department is distributing new series of fish tickets.

Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 754-2429; Implementation: Robert A. Turner, 115 General Administration Building, Olympia, Washington, 753-6627; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These rules are not the result of federal law or court order.

Small Business Economic Impact Statement: Minimal impact is expected, as the fish receiving tickets are distributed by the department currently, and the mailing requirement is already in effect. The only change is the place to which the tickets are mailed.

AMENDATORY SECTION (Amending Order 79-137, filed 12/14/79)

WAC 220-20-016 SALE OF COMMERCIAL CAUGHT SALMON. It shall be unlawful for any person licensed to take salmon for commercial purposes as required under chapter 75.28 RCW to:

~~((a))~~ (1) ~~Keep~~ ~~(any)~~ more than the equivalent of one limit of sport caught salmon he takes under such license, per crew member, for personal use~~((or))~~. The equivalent shall be identical to Bag Limit F in coastal, Grays Harbor, and Willapa Bay waters and Bag Limit H in Puget Sound waters, unless other bag limits are in effect for the waters from which the salmon are taken, in which case the current sport caught bag limit shall be the allowable limit, per crew member, of commercially caught salmon retained for personal use.

~~((b))~~ (2) Sell any salmon he takes under such license to anyone other than a licensed wholesale dealer located within or outside the state of Washington: PROVIDED, That a person who is himself licensed as a wholesale dealer under the provisions of RCW 75.28.300 may sell his catch to individuals or corporations other than licensed wholesale dealers.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-110 POSSESSION OF PERSONAL-USE FOOD FISH AND SHELLFISH. (1) The personal-use possession limit of food fish shall include all fresh, frozen, canned and other processed fish in the immediate possession of an individual, together with fish held for him by a custom canner or processor, and fish consigned by him for processing, preserving, storing, or transporting to a place other than where such food fish were taken.

(2) The possession limit for processed food fish shall not exceed the equivalent catch or possession limits of fresh fish.

(3) It shall be unlawful for any custom canner, or any person operating as a canner or processor of personal-use catches of food fish to accept, process or hold in the name of an individual more than his lawful possession limit.

(4) Custom cannery or processors of personal-use food fish or shellfish, resort operators and others who hold fish on their premises for sport fishermen, shall maintain accurate written accounts of such fish. These records shall be made available for inspection by the department of fisheries, and shall contain the name, signature and permanent address of the taker, the date and area of catch; the number, weight, species and date submitted for processing or holding and the final quantities processed by numbers of units.

(5) It shall be unlawful for any commercial fish dealer, cold storage plant operator, restaurant or hotel to store or have in possession any food fish or shellfish taken by any person for personal use, unless it is identified by tags attached bearing the names and addresses of the persons taking such food fish or shellfish.

(6) It shall be unlawful for any person taking food fish or shellfish for personal use to intermingle his catch or part of his catch with that of any duly licensed person taking food fish or shellfish for commercial purposes except for commercially caught fish retained for personal use as provided for in WAC 220-20-016 and 220-20-021.

(7) Any species or quantity of food fish or shellfish taken for commercial purposes, when possessed by any person taking food fish or shellfish for personal use, or otherwise engaging in a personal use fishery, shall be considered a part of the personal-use possession limit of the latter.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-175 SALMON CATCH RECORD CARDS. It shall be unlawful for any person to take and possess salmon for personal use without first having obtained and in his possession a sport salmon catch record card as described in WAC 220-69-237 except for commercially caught salmon retained for personal use as provided for in WAC 220-20-016.

Any salmon angler, when obtaining a sport salmon catch record card shall completely, accurately, and legibly complete all information in ink on the sport salmon catch record stub prior to detaching the sport salmon catch record punch card from the stub, and enter his name and address in ink on the sport salmon catch record card.

(1) Immediately upon catching and possessing a salmon, the person catching the salmon shall remove from the punch card one punch for each such salmon and shall enter in ink in the corresponding space the place, date of catch, and species if taken in fresh water, and it shall be unlawful to fail to do so.

(2) Every person possessing a sport salmon catch record punch card shall by January 31 of the year following the date of issuance return such card to the department of fisheries.

(3) Any person possessing a sport salmon catch record punch card shall upon demand of any law enforcement officer or authorized fisheries department employee exhibit said card to such officer or employee for inspection.

(4) A sport salmon catch record punch card shall not be transferred, borrowed, altered, or loaned to another person.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-215 COMPLIANCE AND MISREPRESENTATION. It shall be unlawful for any person dealing with or possessing food fish, shellfish, or parts thereof:

(1) To fail to completely and accurately carry out the provisions of this chapter.

(2) To misrepresent, falsify, or omit any required entry made upon official state of Washington fish receiving ticket, sport salmon catch record, ~~((or))~~ production report, or commercial food fish and shellfish transportation ticket, or to enter information that is so illegible as to be misinterpreted.

(3) To utilize any forms other than official state of Washington fish receiving tickets, sport salmon catch record, or production report as described in this chapter for catch reporting.

AMENDATORY SECTION (Amending Order 84-24, filed 3/27/84)

WAC 220-69-230 DESCRIPTION OF WASHINGTON STATE NONTREATY FISH RECEIVING TICKETS. (1) There is hereby created the following nontreaty fish receiving ticket forms to be prepared, printed, and distributed upon request, by the department of fisheries: Cannery, troll, marine, utility, and shellfish. These forms shall contain space for the following information:

(a) Fisherman: Name of licensed deliverer.
 (b) Address: Address of licensed deliverer.
 (c) Boat name: Name or Coast Guard number of landing vessel.
 (d) WDF boat registration: Washington department of fisheries boat registration number.

(e) Gear: Code number or name of specific type of gear used.
 (f) Fisherman's signature: Signature of licensed deliverer.
 (g) Date: Date of landing.
 (h) Dealer: Name of dealer, and department of fisheries' number assigned to dealer.

(i) Buyer: Name of buyer, and department of fisheries' number assigned to buyer.

(j) Receiver's signature: Signature of original receiver.
 (k) Number of days fished: Days spent catching fish.
 (l) Fish caught inside or outside 3-mile limit: Check one box.
 (m) Catch area: Salmon catch area code if salmon are caught. Marine fish/shellfish catch area code if marine fish are caught or shellfish are caught or harvested.

(n) Tally space for dealer's use: Used at dealer's discretion.
 (o) Species code: Department of fisheries' assigned species code.
 (p) Number of fish, species description, pounds, and value: Summary information for species landed. All species or categories of bottomfish having a vessel trip limit must be listed separately (see WAC 220-44-050).

(q) Work area for dealer's use: Used at dealer's discretion.
 (r) Total amount: Total value of landing.
 (s) Take-home fish: Species, number, and pounds of fish retained for personal use.

(t) Crew: Number of crew.
 (2) The cannery fish receiving ticket shall be used for:
 (a) Deliveries of nontreaty salmon caught in inland waters.
 (b) Any other delivery of nontreaty salmon where the catch may be easily recorded.

(c) Any imports of fresh salmon into the state of Washington.
 (3) The troll fish receiving ticket shall be used for:
 (a) Deliveries of nontreaty coastal salmon and incidental catch.
 (b) Any other nontreaty deliveries where the species delivered may be easily recorded.
 (c) Any imports of fresh salmon into the state of Washington.
 (4) The marine fish receiving ticket shall be used for:
 (a) Nontreaty deliveries of marine fish or bottomfish that do not include salmon.
 (b) Any imports of fresh marine fish or bottomfish.
 (5) The utility fish receiving ticket shall be used for:
 (a) Any nontreaty deliveries that do not include salmon, where other fish receiving tickets are not appropriate.
 (b) Any imports of fresh fish or shellfish that do not include salmon.
 (6) The shellfish receiving ticket shall be used for:
 (a) Any nontreaty deliveries of shellfish.
 (b) Any imports of fresh shellfish.
 (c) Any incidental catch of bottomfish made while fishing for shellfish. The species name, total pounds, and price per pounds must be entered for each species of bottomfish caught.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-234 DESCRIPTION OF TREATY INDIAN FISH RECEIVING TICKET. (1) There is hereby created a treaty Indian fish receiving ticket form to be prepared, printed, and distributed upon request, by the department of fisheries, which shall contain space for the following information:

(a) Tribal name: Name or identification number of tribe.
 (b) Fisherman: ~~((Name))~~ Identification number of deliverer.
 (c) ~~((Identification card number: Treaty Indian identification number:))~~

~~((d))~~ Signature: Signature of deliverer on tribal copy of ticket.
~~((e))~~ (d) Date: Date of landing.

~~((f))~~ (e) Dealer: Name of dealer, and department of fisheries' number assigned to dealer.

~~((g))~~ (f) Buyer: Name of buyer, and department of fisheries' number assigned to buyer.

~~((h))~~ (g) Gear: Code name or number of specific gear type used.
~~((i))~~ (h) Receiver's signature: Signature of original receiver.

~~((j))~~ (i) On-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

~~((k))~~ (j) Off-reservation catch area: River name for river catch, salmon catch area for saltwater salmon catch, marine fish/shellfish catch area for nonsalmon saltwater catch.

~~((l))~~ (k) Physical gear used: Circle physical gear actually used.
~~((m))~~ (l) Tally space for dealer's use: Used at dealer's discretion.

~~((n))~~ (m) Species and description: Species name of fish landed.
~~((o))~~ (n) Number of fish, pounds, and value: Information for each species landed.

~~((p))~~ (o) Subtotal: Total price of catch landed.
~~((q))~~ (p) Tribal tax: Tribal tax collected.

~~((r))~~ (q) Total: Total price paid seller or deliverer.
 (r) Take-home fish: Species, number, and pounds of fish retained for personal, ceremonial, or subsistence use.

(2) The treaty Indian fish receiving ticket shall be used for any deliveries of fish caught by treaty Indians exercising a treaty fishing right in established treaty waters.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-240 DUTIES OF COMMERCIAL PURCHASERS AND RECEIVERS. (1) Every person originally receiving or purchasing fresh or iced food fish or shellfish or parts thereof, or frozen food fish or shellfish or parts thereof that have not been previously landed in another state, territory, or country from fishermen, firms, or individuals, regardless of whether or not the receiver or purchaser holds a license as required under Title 75 RCW, must immediately, completely, accurately, and legibly prepare the appropriate state of Washington fish receiving ticket regarding each and every purchase or receipt of such commodities. Any employee of a licensed wholesale dealer who has authorization to receive or purchase fish or shellfish for that dealer on the premises of the primary business address or any of its branch plant locations shall be authorized to initiate and sign fish receiving tickets on behalf of his employer. The business or firm shall

be responsible for the accuracy and legibility of all such documents initiated in its name. Each delivery must be recorded on a separate state of Washington fish receiving ticket (~~PROVIDED, That provisions of this section do not apply to purchases or receipts made by individuals or consumers at retail. PROVIDED FURTHER, That the provisions of this section do not apply to fresh, iced, or frozen food fish or shellfish, or parts thereof purchased~~)).

(2) State of Washington fish receiving tickets are required for:

(a) Fresh food fish and shellfish landed in the state of Washington.

(b) Fresh food fish and shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(c) Frozen food fish or shellfish not previously landed in another state, territory, or country and shipped or transported into the state of Washington to an original receiver.

(3) State of Washington fish receiving tickets are not required for:

(a) Purchases or receipts made by individuals or consumers at retail.

(b) Purchases or receipts from any person possessing a valid Washington wholesale dealer's license except that a wholesale dealer purchasing fish from a commercial fisherman or shellfish grower shall complete the appropriate fish receiving ticket regardless of whether the commercial fisherman or shellfish grower possesses a wholesale dealer's license. It is the purchaser's responsibility to obtain the name, address, and Washington wholesale dealer's license number, together with such sales receipt documents or information as may be required, to show the deliverer's name, quantity of fish, and date of the transaction and retain these with the food fish or shellfish.

~~((2))~~ State of Washington fish receiving tickets are required for:

(a) Fresh food fish or shellfish previously landed in another state, territory, or country and shipped or transported into the state of Washington.

(b) Any frozen food fish or shellfish received in the state of Washington which were not previously landed in another state, territory, or country.

~~((3))~~ (c) Fresh or frozen food fish or shellfish that are in transit through the state of Washington, if no storage, handling, processing, or repackaging occurs within the state.

(4) Fishermen, fishermen-wholesalers, and wholesalers shall determine the weight of baitfish contained in an average and normal brail and multiply the number of such brailers of baitfish by this weight factor and report such baitfish in both dozens and total weight: PROVIDED, That it is lawful for such fishermen, fishermen-wholesalers, and wholesalers, when receiving herring, candlefish, anchovy, or pilchards for bait purposes, to delay completing that portion of the fish receiving ticket which indicates number of herring received, only if the herring, candlefish, anchovy, or pilchards are sold individually or counted as dozens. Such counts must be entered on the fish tickets immediately. An estimate of herring, candlefish, anchovy, or pilchards caught but not sold due to mortality must be included on the fish ticket as "loss estimate."

~~((4))~~ (5) It is lawful for an original receiver, when receiving purse seine-caught herring taken from Areas 20A, 20B, 21A, and 21B during the period April 15 through May 31, to delay completing that portion of the fish receiving ticket which indicates the weight of herring received only until the herring are off-loaded from the original receiver's vessel. The herring must then be weighed and the weight immediately entered in the appropriate space on the ticket. A separate state of Washington fish receiving ticket must be initiated at the time of each individual receipt of herring from the purse seine catching vessel.

~~((5))~~ (6) The original receiver of herring taken from Puget Sound Marine Fish-Shellfish Catch Areas 20A, 20B, 21A, and 21B, during the period April 16 through May 31 must report each calendar day's receipts by noon of the following day to the Department of Fisheries, Olympia, Washington; telephone (206) 753-6637.

~~((6))~~ (7) It is unlawful for any person receiving or purchasing geoducks from fishermen, firms, or individuals, regardless of whether or not the purchaser or receiver holds a license as required under Title 75 RCW, to fail to accurately and legibly complete the fish receiving ticket initiated on the harvest tract immediately upon the actual landing of geoducks from the harvesting vessel onto the shore. This fish receiving ticket shall accompany the harvested geoducks from the department of natural resources harvest tract to the point of landing.

~~((7))~~ (8) It is unlawful for the original receiver of Pacific whiting to fail to enter an estimated weight of Pacific whiting on the fish receiving ticket immediately upon completion of the landing. The exact weights of whiting, by grade, and all incidental species in the landing

must be entered on the fish receiving ticket within twenty-four hours of the landing.

AMENDATORY SECTION (Amending Order 84-214, filed 12/7/84)

WAC 220-69-250 REQUIRED INFORMATION ON NON-TREATY FISH RECEIVING TICKETS. (1) Entries (a) through (m) and ~~((entry))~~ entries (p), (s), and (t) of subsection (1) of WAC 220-69-230 shall be required on each completed nontreaty fish receiving ticket.

(2) A valid license card or duplicate license card issued by the department of fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (a) through (e) of subsection (1) of WAC 220-69-230 except as provided in WAC 220-69-273.

(3) A valid dealer or buyer card issued by the department of fisheries shall be used in conjunction with an approved mechanical imprinter in lieu of entries (h) and (i) of subsection (1) of WAC 220-69-230 except as provided in WAC 220-69-273.

(4) During the period December 1 through December 30, the crab inspection certificate number is a required entry on all Shellfish Receiving Tickets documenting landings and sale of Dungeness crab from Pacific Ocean, Coastal Washington, Grays Harbor, Willapa Harbor, and Columbia River waters. The crab inspection certificate number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

(5) The Puget Sound crab pot/buoy brand certification number is a required entry on all shellfish receiving tickets documenting landings and sale of Dungeness crab taken with shellfish pot gear from Puget Sound waters. The Puget Sound crab pot/buoy brand certification number must be entered legibly on the left hand side of the ticket in the space indicated for dealer's use.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-254 REQUIRED INFORMATION ON TREATY INDIAN FISH RECEIVING TICKETS. Entries (a) through ~~((h))~~ (k) and entries ~~((n and o))~~ (m), (n), (q), and (r) of subsection (1) of WAC 220-69-234 shall be required on each completed treaty Indian fish receiving ticket.

PROVIDED, That a valid treaty Indian identification card may be used in lieu of entries (a) ~~((through c))~~ and (b) of subsection (1) of WAC 220-69-234.

PROVIDED FURTHER, That a valid dealer or buyer card issued by the department of fisheries may be used in lieu of entries (c) and (f) ~~((and g))~~ of subsection (1) of WAC 220-69-234.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-264 DISTRIBUTION OF COPIES OF TREATY INDIAN FISH RECEIVING TICKETS. State of Washington treaty Indian fish receiving tickets shall be made out in quintuplicate (five copies) at the time of landing. Upon completion of the treaty Indian fish receiving ticket, the copies shall be distributed as follows:

(1) The dealer copy #1 (white) shall be retained by receiver for their use.

(2) The state copy (green) shall be mailed each day to the ~~((department of fisheries))~~ Northwest Indian Fisheries Commission, 2625 Parkmont Lane S.W., Olympia, Washington 98502.

(3) The IPSFC copy (pink) shall be mailed each day to the IPSFC, P.O. Box 30, New Westminster, B.C.: PROVIDED, That in the event the fish receiving ticket does not contain any pink or sockeye salmon caught in Catch Areas 3, 4, 4A, 4B, 5, 6, 6A, 6B, 6C, 6D, 7, 7A, 7B, 7C, 57, 58 and 59 the fish receiving ticket shall be mailed each day to the ~~((department of fisheries))~~ Northwest Indian Fisheries Commission, 2625 Parkmont Lane S.W., Olympia, Washington 98502 with the state copy.

(4) The tribal copy (yellow) shall be mailed each day to the ~~((department of fisheries))~~ Northwest Indian Fisheries Commission, 2625 Parkmont Lane S.W., Olympia, Washington 98502: PROVIDED, That upon written agreement received by the department of fisheries from a specific tribe and buyer indicating the desire to transmit the tribe's copy directly to the fisherman's tribe, then that one copy may be so disposed.

(5) The fisherman copy (gold) shall be retained by the deliverer for their use.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-272 TREATY INDIAN IDENTIFICATION CARDS. Treaty Indians delivering fish caught in treaty waters while exercising a treaty fishing right may use a treaty Indian identification card, properly embossed with the tribe number and treaty Indian identification number, in lieu of hand-written fisherman information except that the fisherman's signature is required on the tribal copy of the treaty Indian fish receiving ticket.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-274 SIGNATURES. (1) The deliverer of non-treaty food fish, shellfish, or parts thereof, shall sign the complete non-treaty fish receiving ticket, which signature shall be deemed certification of the correctness of all entries thereon.

(2) The deliverer of treaty food fish, shellfish, or parts thereof shall sign the tribal copy of the treaty Indian fish receiving ticket, which signature shall be deemed certification of the correctness of all entries on the complete fish receiving ticket.

(3) Where the fisherman is unable to deliver the catch, an agent of the fisherman is authorized to sign the fish receiving ticket if the person has first obtained an additional operator's license for the fishing vessel operated by the fisherman.

(4) Should the receiver receive the food fish, shellfish, or parts thereof, by other than direct delivery, the receiver shall affix his or her signature to the fish receiving ticket, and the fish receiving ticket shall be completed and submitted without the deliverer's signature together with a statement as to the reasons the signature was not obtained, and the receiver shall assume complete responsibility for the correctness of all entries.

AMENDATORY SECTION (Amending Order 83-203, filed 12/2/83)

WAC 220-69-280 FISH RECEIVING TICKET ACCOUNTABILITY. Only Series G, Series H, Series J ((or)), Series K, Series L, Series M, or Series N state of Washington fish receiving tickets shall be used, and shall be subject to the following orders:

(1) Official state of Washington fish receiving tickets may be ordered free of charge from the department of fisheries.

(2) Fish receiving ticket books shall be used in numerical sequence, starting with the lowest numbered ticket book issued to the purchaser or receiver.

(3) Fish receiving tickets or ticket books shall not be transferred from one purchaser or receiver to another purchaser or receiver without written permission from the department of fisheries.

(4) Any purchaser or receiver terminating business shall notify the department of fisheries in writing and shall return all unused fish receiving tickets and ticket books to the department of fisheries within 30 days after termination of business.

(5) All fish receiving tickets that are incorrectly made out, voided, or otherwise unused, shall be submitted to the department of fisheries accompanying, and in sequence with, other fish receiving tickets.

(6) All fish receiving tickets that are lost, destroyed, or otherwise missing, shall be accounted for in writing to the department of fisheries.

WSR 85-07-066
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Medical Examiners)
 [Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Medical Examiners intends to adopt, amend, or repeal rules concerning post graduate medical training defined, amending WAC 308-52-255;

that the agency will at 9:30 a.m., Friday, May 4, 1985, in the Seattle Marriott, 3201 South 176th Street,

Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.71.017.

The specific statute these rules are intended to implement is RCW 18.71.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before July 5, 1984 [1985].

Dated: March 20, 1985

By: John H. Keith
 Assistant Attorney General

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Medical Examiners.

Purpose: WAC 308-52-255 is amended to specify the board approved post graduate medical education courses.

Statutory Authority: RCW 18.71.017.

Summary of the Rules: WAC 308-52-255 Post graduate medical education defined.

Reason Proposed: The amendment to WAC 308-52-255 is proposed to inform applicants what will constitute a satisfactory post graduate clinical training course for licensure in the state of Washington.

Responsible Departmental Personnel: In addition to the members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Arlene Robertson, Assistant Executive, 1300 South Quince, Olympia, WA 98504, 234-2205 scan, 753-2205 comm.

Proponents: All amendments were proposed by the Washington State Board of Medical Examiners.

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.

AMENDATORY SECTION (Amending Order PL 369 [481], filed 1/21/81 [9/12/84])

WAC 308-52-255 POST GRADUATE MEDICAL TRAINING DEFINED. (1) For the purposes of this chapter, post graduate medical training shall be considered to mean clinical training approved by the board in general medicine ((and)) or surgery, or a recognized specialty or sub-specialty in the field of medicine or surgery. The training must be acquired after completion of a formal course ((or)) of undergraduate medical instruction outlined in RCW 18.71.055. Clinical performance deemed unsatisfactory by the program performance evaluation will not be accepted. This definition shall be considered to include, but not be limited to, internships, residencies and fellowships in medical or surgical subjects.

(2) The board approves the following post-graduate clinical training courses:

(a) Programs accredited by the American Medical Association Accreditation Council for graduate medical education which are listed in the 1984-85 directory of residency programs, or programs approved by the American Medical Association Accreditation Council at the time of residency.

(b) Pre-registration training programs approved as of July 1, 1982 by the Canadian National Joint Committee on Accreditation of Pre-registration Physician Training Programs, or programs approved by the Canadian National Joint Committee on Accreditation of Preregistration Physician Training Programs at the time of residency.

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.

WSR 85-07-067
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning the advanced practice of nursing by registered nurses, amending WAC 308-120-170, 308-120-300, 308-120-305, 308-120-315, 308-120-325, 308-120-335, 308-120-345, 308-120-360, 308-120-365, 308-120-400, 308-120-410, 308-120-420, 308-120-430, 308-120-440 and 308-120-450 and repealing WAC 308-120-355;

that the agency will at 8:30 - 10:30 a.m., Friday, June 7, 1985, in South B and C Rooms, Sheraton Hotel, 322 Spokane Falls Court, Spokane, WA, and at 8:30 - 10:30 a.m., Saturday, July 27, 1985, in the Horizon/Alpine Rooms, SeaTac Hilton, 17620 Pacific Highway South, Seattle, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 27, 1985.

The authority under which these rules are proposed is RCW 18.88.080.

The specific statute these rules are intended to implement is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1985.

Dated: March 20, 1985
 By: Constance Roth, R.N., Ed.D.
 Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters:
 WAC 308-120-170 Documents which indicate authorization to practice registered nursing in Washington;
 308-120-300 Certified registered nurse; 308-120-305 Use of nomenclature; 308-120-315 Certification and certification program; 308-120-325 Board approval of certification programs; 308-120-335 Application requirements for CRN; 308-120-345 Renewal of CRN designation; 308-120-360 Termination of CRN designation by the board; 308-120-365 CRN recognition at effective date; 308-120-400 CRN prescriptive authorization; 308-120-410 Application requirements for CRN prescriptive authority; 308-120-420 Authorized prescriptions by the CRN; 308-120-430 Termination of prescriptive authorization; 308-120-440 Prescriptive authorization; 308-120-450 Renewal; and 308-120-355 Termination of certification by the certification program.

Statutory Authority: RCW 18.88.080.

Specific Statute that Rule is Intended to Implement:
 RCW 18.88.080.

Summary of the Rules: WAC 308-120-170 describes the documents that entitle a licensee to legally practice as [at] various levels of practice in Washington; 308-120-300 describes prerequisites to certification as a certified registered nurse; 308-120-305 limits the use of the certified registered nurse designation to those certified by the board; 308-120-315 defines the parameters of acceptable certifying programs; 308-120-325 requires that all certifying bodies be approved by the board before graduates will be eligible for designation as certified registered nurses; 308-120-335 describes the procedure and requirements for application; 308-120-345 describes the timing and procedure for renewal of CRN designation; 308-120-360 describes the acts and omissions which will result in the board termination of CRN designation; 308-120-365 provides for a continuity in designation for those designated as certified registered nurses prior to the adoption of this rule; 308-120-400 provides that certain certified registered nurses may prescribe drugs; 308-120-410 describes the process and requirements for prescriptive authorization; 308-120-420 describes the limitations on prescriptive authority for certified registered nurses; 308-120-430 describes the errors and omissions that will result in termination of prescriptive authority; 308-120-440 describes the expiration period for prescriptive authorization; 308-120-450 describes the procedure and requirements for renewal of prescriptive authorization; and 308-120-355 requires the certified registered nurse to notify the board when his or her certification program has been terminated.

Reasons Supporting the Proposed Actions: WAC 308-120-170 is to substitute the term "advanced registered nurse practitioner" (ARNP) for the term "certified registered nurse" (CRN). ARNP is a nationally recognized title, used by the majority of states; 308-120-300 is to better define the advanced practice of nursing; 308-120-305 is again to substitute the term "advanced registered nurse practitioner" for the term "certified registered nurse"; 308-120-315 is to establish a higher level of minimal education for the advanced practice of nursing; 308-120-325 is to permit either a licensee or a certified program to seek certification by the board; 308-120-335 is to establish a higher level of minimal education for advanced practice in the future; 308-120-345 is to establish a birth date renewal date for the ARNP designation and to cause each licensee to have a minimum of five hundred verifiable hours of specialized advanced nursing practice within the biennium preceding renewal; 308-120-360 is again to substitute the term "advanced registered nurse practitioner" for the term "certified registered nurse"; 308-120-365 is to assure that those licensees designated as certified registered nurses on the effective date of adoption of the rule shall continue to be designated as specialized advanced nurses under the term "advanced registered nurse practitioner"; 308-120-400 is to substitute the term "advanced registered nurse practitioner" for the term "certified registered nurse"; 308-120-410 is to establish more rigid

controls over the granting of prescriptive authorization to advanced registered nurse practitioners; 308-120-420 is to substitute the term "advanced registered nurse practitioner" for the term "certified registered nurse"; 308-120-430 is to add a provision that violation of state or federal laws applicable to the prescribing of drugs will result in termination of ARNP prescriptive authorization; 308-120-440 is to cause the expiration of prescriptive authorization to coincide with the renewal date for ARNP designation; 308-120-450 is to more rigidly define the educational requirements for renewal of prescriptive authorization; and 308-120-355 is to eliminate the requirement that licensees be aware of and notify the board of termination of certification by the certification program.

Responsible Personnel: In addition to members of the Board of Nursing, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Constance Roth, R.N., Ed.D., Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-3726 comm, 234-3726 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: "Advanced registered nurse practitioner" is a nationally recognized title, used by the majority of states which recognize advanced practice of nurse practitioners. No other state uses the title "certified registered nurse" and Washington's use of that term has led to confusion and misunderstanding.

These 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 Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

AMENDATORY SECTION (Amending Order PL 377, filed 4/28/81)

WAC 308-120-170 DOCUMENTS WHICH INDICATE AUTHORIZATION TO PRACTICE REGISTERED NURSING IN WASHINGTON. The following documents are the only documents that indicate legal authorization to practice as a registered nurse in Washington.

- (1) License. A license is issued upon completion of all requirements for licensure - confers the right to use the title registered nurse and the use of its abbreviation, R.N.
- (2) Interim permit. An interim permit may be issued to a graduate from an approved nursing school who has met all qualifications, has filed an application for examination and is eligible for admission to the licensing examination.
 - (a) This permit expires when a license is issued, when the candidate receives first notice of failure, or within one year from the date of issuance, whichever is the earliest date. The permit is not renewable.
 - (b) An applicant who does not write the examination on the date scheduled shall return the permit to the division of professional licensing.
 - (c) The interim permit authorizes the holder to perform functions of registered nursing as described in chapter 18.88 RCW. It is in violation of the law regulating the practice of registered nursing to use the title "registered nurse." The title "interim permit nurse" or "graduate nurse" may be used.

(3) Limited educational license. A limited educational license may be issued to a person who has been on nonpracticing status for three years or more and who wishes to return to active status (see WAC 308-120-185).

(4) ~~((Certified))~~ Advanced registered nurse ~~((CRN))~~ practitioner (ARNP) recognition document. ~~((A-CRN))~~ An ARNP recognition document may be issued to any person who meets the requirements of the board as contained in WAC 308-120-300. Only persons holding this recognition document shall have the right to use the title "~~((certified))~~ advanced registered nurse practitioner" or the abbreviation "~~((CRN))~~ ARNP." This document authorizes the ~~((CRN))~~ ARNP to engage in the scope of practice allowed for his or her specialty area and is valid only with a current registered nurse license.

(5) ~~((CRN))~~ ARNP prescriptive authorization ~~((document))~~. A ~~((CRN))~~ notation of prescriptive authorization ~~((document))~~ may be placed on the ARNP recognition document issued to any person who meets the requirements of the board as contained in WAC 308-120-410. This ~~((document))~~ authorizes the ~~((CRN))~~ ARNP to prescribe legend drugs within his or her scope of practice and is valid only with a current registered nurse license.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-300 ~~((CERTIFIED))~~ ADVANCED REGISTERED NURSE PRACTITIONER. ~~((A-certified))~~ An advanced registered nurse ~~((staff))~~ practitioner is a registered nurse prepared in a formal educational program to assume an expanded role in providing health care services. This practice builds on previous knowledge and skill and utilizes indepth knowledge of physical assessment and management of illnesses or conditions within the advanced registered nurse practitioner's scope of practice. Advanced registered nurse practice includes collaboration with other licensed health professionals such as physicians, pharmacists, podiatrists, dentists, and nurses. An advanced registered nurse practitioner shall:

- (1) Hold a current license to practice as a registered nurse in Washington(;) and
- (2) Have completed an advanced formal education program in the area of specialty; and
- (3) Have been granted a certification credential for specialized and advanced nursing practice granted by a national certifying body whose certification program is approved by the board.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-305 USE OF NOMENCLATURE. Any person who qualifies under WAC 308-120-300 and whose application for ~~((certified))~~ advanced registered nurse practitioner designation has been approved by the board shall be designated as a ~~((certified))~~ advanced registered nurse practitioner and shall have the right to use the title "~~((certified))~~ advanced registered nurse practitioner" and the abbreviation "~~((A-CRN))~~" following the nurse's name shall read "ARNP." No other initials or abbreviations shall legally denote advanced nursing practice. No other person shall assume such title or use such abbreviation or any other words, letters, signs or figures to indicate that the person using same is ~~((a-certified))~~ an advanced registered nurse practitioner.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-315 CERTIFICATION AND CERTIFICATION PROGRAM. (1) Certification is a voluntary form of ~~((credentialing))~~ credentialing, under sponsorship of a national certifying body that recognizes specialized and advanced nursing practice.

(2) A certification program is used by a national certifying body to grant the certification credential. A certification program shall be based on:

- (a) A scope of practice statement ~~((which))~~ as identified in WAC 308-120-300 shall denote the dimension and boundary, the focus, and the standards of specialized and advanced nursing practice in the area of certification.
- (b) A formal program of study requirement in the area of certification which shall:
 - (i) Be based on measurable objectives that relate directly to the scope of practice;

(ii) Include theoretical and clinical content directed to the objectives; and

(iii) ~~((Until July 1, 1984, be acceptable to the board and shall include clinical practice in the area of certification or two years of current practice in the area of certification; and~~

~~(iv) After July 1, 1984,))~~ Be equivalent to at least one academic year. A preceptorship which is part of the formal program shall be included as part of the academic year. Current practice in the area of certification will not be accepted as a substitute for the formal program of study.

(c) An examination in the area of certification which shall:

(i) Measure the theoretical and clinical content denoted in the scope of practice;

(ii) Be developed in accordance with generally accepted standards of validity and reliability; and

(iii) Be open only to registered nurses who have successfully completed the program of study referred to in ~~((2))~~(b) of this ~~((rule))~~ subsection.

(3) A licensee credentialed by a national certifying body which meets the requirements of subsection (2)(a) and (c) of this section but not subsection (2)(b) of this section may petition the board for individual recognition as an ARNP by submitting documentation that the licensee's advanced formal education program in the area of specialty meets the requirements of subsection (2)(b) of this section.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-325 BOARD APPROVAL OF CERTIFICATION PROGRAMS. (1) A licensee or certifying program may request that a certification program ~~((being))~~ be considered for approval and shall submit documentation showing that ~~((it))~~ the program meets the requirements of WAC 308-120-315(2).

(2) The board shall periodically review each certification program and may discontinue approval in the event that a certification program no longer meets the requirements of WAC 308-120-315(2).

(3) The board shall notify the certification program of pending review and may request that the program submit further information regarding its continued compliance with the provisions of WAC 308-120-315(2).

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-335 APPLICATION REQUIREMENTS FOR ~~((CRN))~~ ARNP. A registered nurse applicant for designation as ~~((a CRN))~~ an ARNP shall:

(1) ~~After January 1, 1990 show evidence of a master's degree with a major in nursing from an accredited college or university.~~

(2) Meet the requirements of WAC 308-120-300.

~~((2))~~ (3) Submit a completed application on a form furnished by the board.

~~((3))~~ (4) Submit evidence of certification by a certification program approved by the board.

~~((4))~~ (5) Submit a nonrefundable fee as specified in WAC ~~((308-120-260))~~ 308-120-275.

AMENDATORY SECTION (Amending Order PL 424, filed 2/1/83)

WAC 308-120-345 RENEWAL OF ~~((CRN))~~ ARNP DESIGNATION. ~~((CRN))~~ ARNP designation shall be renewed every two years on the ~~((renewal date of the CRN's registered nurse license))~~ ARNP's birthday. The applicant shall:

(1) Maintain a current registered nurse license in Washington.

(2) Submit evidence of current certification by her/his certifying body.

(3) Provide documentation of thirty contact hours (a contact hour is fifty minutes) of continuing education during the renewal period in the area of certification derived from any combination of the following approved by the board:

(a) Formal academic study;

(b) Continuing education offerings(;

~~((c))~~ Other learning activities).

~~((3))~~ (4) Attest, on forms provided by the board, to having a minimum of five hundred hours of specialized and advanced nursing practice within the preceding biennium providing direct patient care services.

(5) Submit a nonrefundable fee as specified. If the licensee fails to renew his or her ARNP designation prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-360 TERMINATION OF ~~((CRN))~~ ARNP DESIGNATION BY THE BOARD. ~~((CRN))~~ ARNP designation may be terminated by the board when the ~~((CRN))~~ ARNP has:

(1) Practiced outside the scope of practice denoted for the area of certification, or

(2) Been found in violation of any provision of RCW 18.88.230.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-365 CRN RECOGNITION AT EFFECTIVE DATE. Any registered nurse recognized as a CRN on the effective date of this rule shall continue to be ~~((so designated and shall be eligible for renewal of the CRN designation under the provisions of these rules))~~ recognized as a specialized and advanced nurse, but will be designated as an "advanced registered nurse practitioner" (ARNP).

AMENDATORY SECTION (Amending Order PL 410 [441], filed 11/3/82 [8/2/83])

WAC 308-120-400 ~~((CRN))~~ ARNP WITH PRESCRIPTIVE AUTHORIZATION. ~~((+))~~ A registered nurse licensed under chapter 18.88 RCW when authorized by the board of nursing may prescribe drugs pursuant to applicable state and federal laws.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-410 APPLICATION REQUIREMENTS FOR ~~((CRN))~~ ARNP WITH PRESCRIPTIVE AUTHORITY. A registered nurse who applies for authorization to prescribe drugs shall:

(1) Be currently designated as ~~((a certified))~~ an advanced registered nurse practitioner in Washington~~((;))~~.

(2) ~~((Have been engaged in clinical practice for one year, either as a requirement of the certification program approved by the board, or practice subsequent to CRN designation;))~~ Be designated by their national certifying body as a:

(a) Family nurse practitioner; or

(b) Women's health care nurse practitioner; or

(c) Pediatric nurse practitioner/associate; or

(d) Adult nurse practitioner; or

(e) Geriatric nurse practitioner; or

(f) Nurse midwife; or

(g) Nurse anesthetist; or

(h) School nurse practitioner; or

(i) Clinical specialist in psychiatric and mental health nursing.

(3) Provide evidence of completion of thirty contact hours of education in ~~((pharmacology and clinical management of drug therapy))~~ pharmacotherapeutics related to the applicant's scope of specialized and advanced practice and ~~((which are))~~:

(a) Include pharmacokinetic principles and their clinical application and the use of pharmacological agents in the prevention of illness, restoration, and maintenance of health.

(b) Are obtained within a ~~((four-year))~~ two-year time period immediately prior to the date of application for prescriptive authority. ~~((Eight of the thirty contact hours must have been obtained during the year immediately preceding the application.~~

~~((b) Derived))~~ (c) Are obtained from the following:

(i) Study within the ~~((CRN area of certification;))~~ advanced formal educational program; and/or

(ii) ~~((Study other than (i) above approved by the board, and))~~ Continuing education programs.

(4) Submit a completed, notarized application on a form provided by the board accompanied by a nonrefundable fee as specified in WAC 308-120-260.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-420 AUTHORIZED PRESCRIPTIONS BY THE ((~~CRN~~)) ARNP WITH PRESCRIPTIVE AUTHORITY. (1) Prescriptions for drugs shall comply with all applicable state and federal laws.

(2) Prescriptions shall be signed by the prescriber with the initials ((~~CRN~~)) ARNP and the prescriber's identification number assigned by the board.

(3) Prescriptions for controlled substances in Schedules I through IV are prohibited by RCW 18.88.280(16).

(4) Any ((~~CRN~~)) ARNP with prescriptive authorization who prescribes Schedule V controlled substances shall register with the drug enforcement administration and the pharmacy board.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-430 TERMINATION OF ARNP PRESCRIPTIVE AUTHORIZATION. Prescriptive authorization may be terminated by the board when the ((~~CRN~~)) ARNP with prescriptive authority has:

(1) Not maintained current designation as ((~~CRN~~)) an ARNP in the area of certification; or

(2) Prescribed outside the ((~~CRN~~)) ARNP scope of practice or for other than therapeutic purposes; or

(3) Violated provisions of RCW 18.88.230;

(4) Violated any state or federal law applicable to prescriptions.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-440 PRESCRIPTIVE AUTHORIZATION PERIOD. (1) Prescriptive authorization shall be for a period of two years.

(2) Initial authorization shall expire on the applicant's ((~~second birthday following initial authorization~~)) renewal date for ARNP designation.

(3) ((~~Subsequent renewal periods shall expire on the applicant's birthday every two years.~~))

(4) Authorization shall be renewed after the applicant meets the requirements of WAC 308-120-450.

AMENDATORY SECTION (Amending Order PL 410, filed 11/3/82)

WAC 308-120-450 RENEWAL. ((~~CRN~~)) ARNP with prescriptive authorization shall be renewed every two years. For renewal of ARNP with prescriptive authorization, the ((~~applicant~~)) licensee shall:

(1) ((~~Maintain current CRN designation.~~)) Meet the requirements of WAC 308-120-345 (1), (2), and (3) and WAC 308-120-410(2).

(2) Provide documentation of ((~~eight~~)) fifteen additional contact hours of continuing education during the renewal period in ((~~pharmacology and clinical management of drug therapy~~)) pharmacotherapeutics related to ((~~applicant's area of certification~~)) licensee's scope of practice. This continuing education ((~~requirement~~)) shall ((~~be in addition to that required for renewal of CRN designation~~)) meet the requirements of WAC 308-120-410(2)(a). ((~~Continuing education shall be derived from any combination of the following, approved by the board:~~

(a) Formal academic study;

(b) Continuing education offerings;

(c) Other learning activities.)

(3) Submit a completed and notarized renewal application with nonrefundable fee ((~~As specified in WAC 308-120-260~~)) as specified in WAC 308-120-275. If the licensee fails to renew his or her prescriptive authorization prior to the expiration date, then the individual is subject to the late renewal fee specified in WAC 308-120-275.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-120-355 TERMINATION OF CERTIFICATION BY THE CERTIFICATION PROGRAM.

WSR 85-07-068
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Nursing)
 [Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning standards of nursing practice, new sections WAC 308-120-700 nursing process, 308-120-710 delegation—management—supervision and 308-120-720 other responsibilities;

that the agency will at 1:30 – 3:30 p.m., Friday, June 7, 1985, in South B and C Rooms, Sheraton Hotel, 322 Spokane Falls Court, Spokane, WA, and at 1:30 – 3:30 p.m., Saturday, July 27, 1985, in the Horizon/Alpine Rooms, SeaTac Hilton, 17620 Pacific Highway South, Seattle, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 27, 1985.

The authority under which these rules are proposed is RCW 18.88.080.

The specific statute these rules are intended to implement is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1985.

Dated: March 20, 1985

By: Constance Roth, R.N., Ed.D.
 Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters: WAC 308-120-700 Nursing process; 308-120-710 Delegation—Management—Supervision; and 308-120-720 Other responsibilities.

Statutory Authority: RCW 18.88.080.

Specific Statute that Rule is Intended to Implement: RCW 18.88.080.

Summary of the Rules: WAC 308-120-700 describes the responsibilities and accountability of registered nurses to health care consumers; 308-120-710 provides that a registered nurse shall be responsible for duties delegated to others; and 308-120-720 holds a nurse responsible and accountable for practice outside the scope of his/her education, for maintenance of current knowledge in his/her field, for obtaining instruction in supervision before implementing new or unfamiliar techniques, for conducting practice without discrimination, for respecting the dignity and rights of patients, for respecting the patient's right to privacy, and for reporting unsafe nursing practice to appropriate authorities.

Reasons Supporting the Proposed Actions: WAC 308-120-700 is to put licensees on notice of specific responsibilities which, if not fulfilled, could result in disciplinary action by the board; 308-120-710 is to put licensees on notice that they are responsible for nursing duties that are delegated by them to others; and 308-120-720 is to establish other standards that will assure quality care to health care consumers and assist the

board in protecting consumers by prosecuting unsafe nursing practices.

Responsible Personnel: In addition to members of the Board of Nursing, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Constance Roth, R.N., Ed.D., Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-3726 comm, 234-3726 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: The board has deemed it appropriate that it utilize its expertise to establish standards of practice for which it will hold licensees responsible.

These 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 Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

NEW SECTION

WAC 308-120-700 NURSING PROCESS. (1) The registered nurse shall be responsible and accountable for the quality of nursing care given to clients.

(2) The registered nurse shall have responsibility for nursing assessments of the health status of clients by:

(a) Collecting pertinent objective and subjective data from observations, examinations, interviews, written records, and reports in an accurate and timely manner.

(b) Sorting, selecting, reporting, and recording relevant information.

(c) Continuously validating, refining, and modifying the data by utilizing all available resources including pertinent contacts with the client and significant others.

(3) The registered nurse shall identify and document nursing diagnoses utilizing all data obtained by the nursing assessment. These diagnoses serve as the basis for an individualized plan of care.

(4) The registered nurse shall develop and modify the plan of care in collaboration with the client, significant others, and other health care providers. This includes:

(a) Identifying priorities.

(b) Setting realistic, measurable goals which are client centered.

(c) Identifying measures to promote comfort, support human functions and responses, and maintain an environment conducive to well-being.

(d) Providing health teaching and counseling.

(e) Prescribing nursing intervention(s).

(5) The registered nurse shall implement the plan of care by:

(a) Giving direct care, assisting with care or delegating care.

(b) Promoting an environment conducive to safety and health.

(c) Verifying that orders are accurately transcribed, properly authorized, and that there are no predictable contraindications.

(d) Documenting nursing interventions as well as client's response to care.

(e) Communicating, in a timely manner, nursing interventions and the client's response to care to other members of the health care team.

(f) Providing health teaching and counseling appropriate to the needs and wishes of the client and the client's significant others.

(g) Making referrals as necessary.

(h) Coordinating with other providers participating in the health care of the client(s).

(6) The registered nurse shall evaluate and communicate the responses of clients to nursing interventions.

NEW SECTION

WAC 308-120-710 DELEGATION—MANAGEMENT—SUPERVISION. The registered nurse shall be accountable for actions taken in the course of nursing practice as well as for actions delegated to others assisting in the delivery of nursing care.

(1) The registered nurse shall be responsible and accountable for the quality and quantity of nursing care given to patients by nursing personnel under her/his supervision.

(2) The registered nurse shall delegate selected nursing functions to others in accordance with their education and demonstrated competence.

(3) The registered nurse shall supervise others to whom she/he has delegated nursing functions.

NEW SECTION

WAC 308-120-720 OTHER RESPONSIBILITIES. (1) The registered nurse shall have knowledge and understanding of the laws and rules regulating nursing and shall function within the legal scope of nursing practice.

(2) The registered nurse shall be responsible and accountable for practice based on and limited to the scope of her/his education, demonstrated competence, and nursing experience.

(3) The registered nurse shall be responsible for maintaining current knowledge in his/her field of practice.

(4) The registered nurse shall obtain instruction and supervision as necessary before implementing new or unfamiliar techniques or practices.

(5) The registered nurse shall conduct nursing practice without discrimination on the basis of age, race, religion, sex, sexual preference, national origin, or handicap.

(6) The registered nurse shall respect the dignity and rights of clients while conducting his/her nursing practice.

(7) The registered nurse shall respect the client's right to privacy by protecting confidential information unless obligated to disclose it in a court of law under proper authorization or legal compulsion.

(8) The registered nurse shall report unsafe nursing practice or unsafe practice conditions to appropriate supervisory personnel. If there is no appropriate authority or when that channel is not effective, the reports of unsafe practice shall be directed to the board of nursing.

WSR 85-07-069

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Nursing)

[Filed March 20, 1985]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Nursing intends to adopt, amend, or repeal rules concerning Scope of practice—Advisory opinions, new section WAC 308-120-800;

that the agency will at 11 - 11:30 a.m., Friday, June 7, 1985, in South B and C Rooms, Sheraton Hotel, 322 Spokane Falls Court, Spokane, WA, and at 11:00 - 11:30 a.m., Saturday, July 27, 1985, in the Horizon/Alpine Rooms, SeaTac Hilton, 17620 Pacific Highway South, Seattle, WA, conduct public hearings on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on July 27, 1985.

The authority under which these rules are proposed is RCW 18.88.080.

The specific statute these rules are intended to implement is RCW 18.88.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 24, 1985.

Dated: March 20, 1985
 By: Constance Roth, R.N., Ed.D.
 Executive Secretary

STATEMENT OF PURPOSE

Title and Number of Rule Sections or Chapters:
 WAC 308-120-800 Scope of practice—Advisory opinions.

Statutory Authority: RCW 18.88.080.

Specific Statute that Rule is Intended to Implement:
 RCW 18.88.080.

Summary of the Rules: WAC 308-120-800 is a new rule describing the procedure for requesting scope of practice advisory opinions from the board and defining the purpose and effect of such opinions.

Reasons Supporting the Proposed Actions: WAC 308-120-800 is to codify an existing board policy and to afford notice to licensees of the intent and effect of that policy.

Responsible Personnel: In addition to members of the Board of Nursing, and the director of the Department of Licensing, the following individual has knowledge of and responsibility for drafting, implementing and enforcing these rules: Constance Roth, R.N., Ed.D., Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-3726 comm, 234-3726 scan.

Name of the Person or Organization that is Proposing the Rules: Washington State Board of Nursing.

Agency Comments or Recommendations: Although the board has provided advisory opinions for sometime, it is believed that a rule is necessary because some licensees have been confused by the intent and effect of an advisory opinion as opposed to a declaratory judgment or a rule.

These 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 Their Purposes: None.

Small Business Economic Impact Statement: Not required and has not been filed since these rules do not impact more than 20 percent of all industries, or more than 10 percent of any one industry as that term is defined by RCW 19.85.020(3).

NEW SECTION

WAC 308-120-800 SCOPE OF PRACTICE—ADVISORY OPINIONS. (1) The board may issue advisory opinions in response to questions put to it by professional health associations, nursing practitioners and consumers concerning the authority of various categories of nursing practitioners to perform particular acts. Such questions must be presented in writing to the department staff.

(2) Questions may be referred to a committee of the board to be denominated the practice committee. Upon such referral, the committee shall develop a draft response which shall be presented to the full board at a public meeting for ratification, rejection or modification. The committee may, at its discretion, consult with health care practitioners for assistance in developing its draft response.

(3) If the board issues an opinion on a given issue, such opinion shall be provided to the requesting party and shall be included in the board minutes.

(4) Each opinion issued shall include a clear statement to the effect that:

(a) The opinion is advisory and intended for the guidance of the requesting party only; and

(b) The opinion is not legally binding and does not have the force and effect of a duly promulgated regulation or a declaratory ruling by the board.

(5) In no event shall this section be construed to supercede the authority of the board to adopt rules related to the scope of practice nor shall it be construed to restrict the ability of any person to propose a rule or to seek a declaratory judgment from the board.

WSR 85-07-070

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Occupational Therapy Practice)

[Filed March 20, 1985]

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

Amd	WAC 308-171-001	Definitions.
New	WAC 308-171-103	Persons exempt from licensure pursuant to RCW 18.59.040(5).
New	WAC 308-171-301	Code of ethics;

that the agency will at 9:30 a.m., Saturday, May 4, 1985, in the Vance Airport Inn, Olympic Room, 18220 Pacific Highway South, Seattle, WA 98188, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 18.59.130 and 18.59.100.

The specific statute these rules are intended to implement is RCW 18.59.020, 18.59.030, 18.59.040 and 18.59.100.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before May 3, 1985.

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

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

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

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

Cynthia Jones, Executive Secretary
 Department of Licensing
 Division of Professional Licensing
 P.O. Box 9649
 Olympia, WA 98504

Dated: March 20, 1985
 By: Joyce R. Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Title and Number of Rule Section(s) or Chapter(s): WAC 308-171-001 Definitions; 308-171-103 Persons exempt from licensure pursuant to RCW 18.59.040(5); and 308-171-301 Code of ethics.

Statutory Authority for the Rule(s) and Specific Statute(s) that Rule(s) are Intended to Implement: WAC 308-171-001 is proposed under authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.020 and 18.59.030; WAC 308-171-103 is proposed under authority of RCW 18.59.130(2) and is intended to implement RCW 18.59.040(5); and WAC 308-171-301 is proposed under authority of RCW 18.59.130(2) and 18.59.100 (1)(b) and is intended to implement RCW 18.59.100 (1)(b).

Summary of the Rules: WAC 308-171-001 defines terms used in the Occupational Therapy Practice Act and the rules; 308-171-103 establishes what information an individual must submit to the department if that individual is claiming exemption from licensure pursuant to RCW 18.59.040(5); and 308-171-301 establishes the code of ethics.

Reasons Supporting the Proposed Rules: WAC 308-171-001 will assist the public in understanding the Occupational Therapy Practice Act and the rules; 308-171-103 will advise those individuals claiming exemption from licensure pursuant to RCW 18.59.040(5) of the information which must be submitted to the department so the department will know if the individual qualifies for the exemption and, if so, that the individual is exempt and not engaging in unlicensed practice; and 308-171-301 establishes the code of ethics, which the board is directed to do under RCW 18.59.100 (1)(b).

In addition to members of the board, the following Department of Licensing personnel have knowledge of and responsibility for drafting, implementing and enforcing these rules: Cynthia Jones, Executive Secretary, Division of Professional Licensing, P.O. Box 9649, Olympia, WA 98504, (206) 753-6936 comm, 234-6936 scan.

Name of the Person or Organization that is Proposing the Rules: Board of Occupational Therapy Practice.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: These rules are necessary to commence licensure of occupational therapists and occupational therapy assistants; and because the statute specifically requires that the statutory section must be implemented by rule.

These 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 Their Purposes: None.

Small Business Economic Impact Statement: Not required for these rules. The board has reviewed the impact that the adoption of new chapter 308-171 WAC would have on occupational therapists and occupational therapy assistants. The board finds that a small business impact statement is not required. Occupational therapists and occupational therapy assistants are classed in

SIC Code 804, Offices of Other Health Care Practitioners. As such, they account for less than 10 percent of the health practitioners in this area. Also, they are less than 20 percent of all industries. Finally, any impact that these proposed rules may have is intended to fall equally on all occupational therapists and occupational therapy assistants.

AMENDATORY SECTION (Amending Order PL 513, filed 2/11/85)

WAC 308-171-001 DEFINITIONS. (1) The following terms in RCW 18.59.020(2) shall mean:

(a) "Scientifically based use of purposeful activity" is the treatment of individuals using established methodology based upon the behavioral and biological sciences and includes the analysis, application and adaptation of activities for use with individuals having a variety of physical, emotional, cognitive and social disorders. Use of purposeful activity includes a process of continually modifying treatment to meet the changing needs of an individual. Purposeful activity is goal-oriented and cannot be routinely prescribed.

(b) "Teaching daily living skills" is the instruction in daily living skills based upon the evaluation of all the components of the individual's disability and the adaptation or treatment based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(c) "Developing prevocational skills and play and avocational capabilities" is not only the development of prevocational skills and play and avocational capabilities but involves the scientifically based use of purposeful activity.

(d) "Designing, fabricating, or applying selected orthotic and prosthetic devices or selected adaptive equipment" is not specific occupational therapy services if a person designs, fabricates, or applies selected orthotic and prosthetic devices or selected adaptive equipment for an individual if the device or equipment is prescribed or ordered by a health care professional authorized by the laws of the state of Washington to prescribe the device or equipment or direct the design, fabrication, or application of the device or equipment.

(e) "Adapting environments for the handicapped" is the evaluation of all the components of an individual's disability and the adaptation of the environment of the individual based on the evaluation. Components of a disability are physical, sensory, social, emotional and cognitive functions.

(2) "Supervision" and "regular consultation" in RCW 18.59.020(4) shall mean an on-site visit occurring at intervals as determined by the occupational therapist to meet the individual's needs, but shall occur at least once every two weeks. The on-site visit shall be documented and the documentation maintained in the individual's treatment records.

(3) "Professional supervision" in RCW 18.59.020(5) shall mean continuous on-site supervision by an occupational therapist or an occupational therapy assistant under the direction of an occupational therapist.

(4) Sections (2) and (3) of this rule shall not be effective until July 1, 1985.

(5) "Clients" include patients, students, and those to whom occupational therapy services are delivered.

(6) "Evaluation" is the process of obtaining and interpreting data necessary for treatment, which includes, but is not limited to, planning for and documenting the evaluation process and results. The evaluation data may be gathered through record review, specific observation, interview, and the administration of data collection procedures, which include, but are not limited to, the use of standardized tests, performance checklists, and activities and tasks designed to evaluate specific performance abilities.

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 308-171-103 PERSONS EXEMPT FROM LICENSURE PURSUANT TO RCW 18.59.040(5). (1) To qualify for the exemption from licensure pursuant to RCW 18.59.040(5), the individual claiming the exemption shall in writing notify the department, at least

thirty (30) days before any occupational therapy services are performed in this state, of the following:

(a) in which state(s) the individual is licensed to perform occupational therapy services and the license number(s); or

(b) if the exemption is claimed pursuant to RCW 18.59.040 (5)(b), the individual shall submit a signed notarized statement attesting to having obtained and maintained certification by the American Occupational Therapy Association, Inc.; not having engaged in unprofessional conduct or gross incompetency as established in WAC 308-171-300; and not having been convicted of a crime of moral turpitude or a felony relating to the profession of occupational therapy; and

(c) a signed notarized statement describing when the occupational therapy services will be performed, where the occupational therapy services will be performed, and how long the individual will be performing occupational therapy services in this state.

(2) "Working days" in RCW 18.59.040(5) shall mean days state offices are open to conduct business.

NEW SECTION

WAC 308-171-301 CODE OF ETHICS. (1) It is the professional responsibility of occupational therapists and occupational therapy assistants to provide services for clients without regard to race, creed, national origin, gender, handicap or religious affiliation.

(2) Treatment objectives and the therapeutic process must be formulated to ensure professional accountability.

(3) Services shall be goal-directed in accordance with the overall educational, habilitation or rehabilitation plan and shall include a system to ensure professional accountability.

(4) Occupational therapists and occupational therapy assistants shall recommend termination of services when established goals have been met or when further services would not produce improved client performance.

(5) Occupational therapists and occupational therapy assistants shall accurately represent their competence, education, training and experience.

(6) Occupational therapists and occupational therapy assistants shall accurately record information and report information as required by facility standards and state and federal laws.

(7) All data recorded in permanent files or records shall be supported by the occupational therapist or the occupational therapy assistant's observations or by objective measures of data collection.

(8) Client's records shall only be divulged as authorized by law or with the client's consent for release of information.

(9) Occupational therapists and occupational therapy assistants shall not delegate to other personnel those client-related services where the clinical skills and expertise of an occupational therapist or occupational therapy assistant are required.

(10) If, after evaluating the client, the case is a medical case, the occupational therapist shall refer the case to a physician for appropriate medical direction if such direction is lacking.

(a) Appropriate medical direction shall be sought on at least an annual basis.

(b) A case is not a medical case if there is an absence of pathology or the pathology has stabilized, the client is not under current medical care, and the occupational therapist is only treating the client's functional deficits.

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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