

FEBRUARY 19, 1986

OLYMPIA, WASHINGTON

ISSUE 86-04



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filed not later than February 5, 1986

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

WASHINGTON STATE REGISTER

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The Washington State Register is an official publication of the state of Washington. It contains proposed, emergency, and permanently adopted administrative rules, as well as other documents filed with the code reviser's office pursuant to RCW 34.08.020 and 42.30.075. Publication of any material in the Washington State Register is deemed to be official notice of such information.

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

I. 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 – 1986

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
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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
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86-02	Dec 5	Dec 19	Dec 31, 1985	Jan 15, 1986	Feb 4
86-03	Dec 26, 1985	Jan 8, 1986	Jan 22	Feb 5	Feb 25
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86-11	Apr 23	May 7	May 21	Jun 4	Jun 24
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86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987

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 86-04-001
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed January 23, 1986]

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 Use of insignia or reference to Liquor Control Board prohibited—Exception, WAC 314-52-020;

that the agency will at 9:30 a.m., Wednesday, March 12, 1986, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.060.

The specific statute these rules are intended to implement is RCW 66.08.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 12, 1986.

Dated: January 23, 1986

By: L. H. Pedersen
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-52-020 Use of insignia or reference to Liquor Control Board prohibited—Exception.

Description of Purpose: This rule amendment will permit mention of the Washington State Liquor Control Board in advertising by the board's suppliers where such mention is required by federal law in order to avoid creating a misleading impression as to the identity of the federally registered importer of the products being advertised.

Statutory Authority: RCW 66.08.060.

Statutes Implemented by the Rule: RCW 66.08.060.

Summary of Rule: The present rule prohibits use of Liquor Control Board insignia or reference to the Washington State Liquor Control Board in advertising. The amendment would make an exception in cases where federal law required reference to the board in advertising.

Reason Supporting Proposed Action: The board itself is prohibited by statute from advertising liquor. However, the board's liquor suppliers are permitted to advertise the products they sell to the board. Importers of foreign products are required by federal law to identify themselves in the advertisements they place. The Liquor Control Board has recently made purchases of liquor on the parallel market, with the board itself acting as the importer of the purchased products. The board's parallel market supplier has indicated a desire to engage in advertising for the products it has sold the board in the same manner as all other board suppliers have done in the past. Federal law relating to the advertising of distilled spirits requires that the entity responsible for the advertising be mentioned in the advertisement. 27 CFR

section 5.63. In most cases involving foreign products, the advertiser is also the importer. However, where the board itself is acting as importer, the names of both the board as importer and the supplier as the advertiser must be mentioned in the advertising in order to avoid creating a misleading impression as to the identity of the importer. 27 CFR section 5.65(1). The adoption of this proposed rule amendment will permit equal access to advertising media by all of the board's suppliers.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Bob Harvey, Liquor Purchasing Agent, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6255.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: The board intends to allow all of its suppliers to have an equal opportunity to promote the products they sell to the board. The rule as amended does not allow use of Liquor Control Board insignia and would only permit reference to the Washington State Liquor Control Board where such a reference was required as a matter of federal law.

Necessity of Rule: While this rule amendment is not required by federal law or federal or state court decision, the application of federal law (27 CFR sections 5.63 and 5.65(1)) has made it necessary to adopt this rule change in order to allow equal access to the advertising media for all of the board's suppliers.

Small Business Economic Impact Statement: There will be no negative cost impact for this rule.

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-020 USE OF INSIGNIA OR REFERENCE TO LIQUOR CONTROL BOARD PROHIBITED—EXCEPTION. No liquor advertising shall use any insignia that may be in use by the Washington state liquor control board, nor shall any such advertising refer to the Washington state liquor control board, except where required by federal law.

WSR 86-04-002
EMERGENCY RULES
LIQUOR CONTROL BOARD

[Order 174, Resolution No. 183—Filed January 23, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to Use of insignia or reference to Liquor Control Board prohibited—Exception, WAC 314-52-020.

We, the Washington State Liquor Control Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the Liquor Control Board has begun to purchase liquor on a direct basis, doing its own importing. The supplier from whom

the purchases are made wishes to place advertising in support of the products it sells when the products first appear in the state liquor stores (this will occur approximately February 1, 1986). Federal law requires that any such advertising contain the name of the importer of the product, in this case the Liquor Control Board. There is not time between now and when the products will arrive in the stores for the normal rule-making process.

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

This rule is promulgated pursuant to RCW 66.08.060 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 22, 1986.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 108, Resolution No. 117, filed 8/11/82)

WAC 314-52-020 USE OF INSIGNIA OR REFERENCE TO LIQUOR CONTROL BOARD PROHIBITED—EXCEPTION. No liquor advertising shall use any insignia that may be in use by the Washington state liquor control board, nor shall any such advertising refer to the Washington state liquor control board, except where required by federal law.

WSR 86-04-003

ADOPTED RULES

LIQUOR CONTROL BOARD

[Order 167, Resolution No. 176—Filed January 23, 1986]

Be it resolved by the Washington State Liquor Control Board, acting at the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA, that it does adopt the annexed rules relating to Prohibited practices—Contracts—Gifts—Rebates, etc., WAC 314-12-140.

This action is taken pursuant to Notice Nos. WSR 85-21-055 and 85-24-039 filed with the code reviser on October 15, 1985, and November 27, 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 Liquor Control Board as authorized in RCW 66.08.030.

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

APPROVED AND ADOPTED January 22, 1986.

By L. H. Pedersen
Chairman

AMENDATORY SECTION (Amending Order 150, Resolution No. 159, filed 11/7/84)

✓ WAC 314-12-140 PROHIBITED PRACTICES—CONTRACTS—GIFTS—REBATES, ETC. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: PROVIDED, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer.

(b) Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators, but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer.

(c) Provide price cards and may also price goods of his own brands.

(d) Provide point of sale advertising material and brand signs.

(e) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC (~~((Title XH))~~).

(f) No manufacturer, wholesaler, importer, or any employee thereof, shall move or handle in any manner any products other than his own brands on the premises of any retail licensee.

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any

equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales ~~((to retail licensees forward to the board at Olympia))~~ have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this regulation.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

NOTE: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and

persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

WSR 86-04-004
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—January 21, 1986]

The regular commission meeting of the Washington State Human Rights Commission held on January 17 and 18, 1986, in Vancouver, Washington, was adjourned to be reconvened on January 21, 1986, at the Office of the Governor, Olympia, Washington, beginning at 2:00 p.m.

WSR 86-04-005
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—January 21, 1986]

The Washington State Human Rights Commission will conduct a special meeting of its advisory council, the Washington Association of Human Rights Agencies, on Wednesday, February 12, 1986, at Valley Center South, 602 West Main, Auburn, Washington, beginning at 7:00 p.m.

WSR 86-04-006
NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION
 [Memorandum—January 21, 1986]

The Human Rights Commission has rescheduled its meetings for 1986 as follows:

<u>DATE</u>	<u>LOCATION</u>	<u>TIME</u>
February 27	Olympia	Beginning at 9:30 a.m.
March 27	Mt. Vernon	Beginning at 3:00 p.m.
April 24	Tacoma	Beginning at 3:00 p.m.
May 22	Wenatchee	Beginning at 9:30 a.m.
June 26	Spokane	Beginning at 3:00 p.m.
July 24	Port Angeles	Beginning at 9:30 a.m.
September 25	Yakima	Beginning at 3:00 p.m.
October 23	Richland	Beginning at 9:30 a.m.
November 19	Bellevue	Beginning at 3:00 p.m.
December 17	Seattle	Beginning at 9:30 a.m.

WSR 86-04-007
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2334—Filed January 23, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Rep WAC 388-86-060 Medical care for prisoners.
 Amd WAC 388-100-005 Limited casualty program—Medically indigent.

I, Lee D. Bomberger, 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 change is being filed for emergency adoption in order to implement a departmental decision to maintain expenditures within budgetary limitations.

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

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

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.
 APPROVED AND ADOPTED January 22, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-060 MEDICAL CARE FOR PRISONERS.

AMENDATORY SECTION (Amending Order 2062, filed 1/4/84)

WAC 388-100-005 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT. (1) *The department of social and health services provides a limited casualty program of medical care, administered through the division of medical assistance, designed to meet the health care needs of persons not receiving cash assistance or eligible for any other medical program.*

(2) *An individual potentially eligible for the medically indigent program is a person who:*

(a) *Has an acute and emergent medical condition. (i) An acute and emergent medical condition is defined as having a short and relatively severe course, not chronic, occurring unexpectedly and demanding immediate action, (ii) pregnancy is considered an acute and emergent*

medical condition for the medically indigent program; treatment under the Involuntary Treatment Act (ITA) is considered an acute and emergent need; ((and))

(b) Meets the financial eligibility as defined in chapter 388-100 WAC; and

(c) Is not an inmate of a city or county jail or of a juvenile detention facility.

WSR 86-04-008
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed January 23, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Rep WAC 388-86-060 Medical care for prisoners.
 Amd WAC 388-100-005 Limited casualty program—Medically indigent.

It is the intention of the secretary to adopt these rules on an emergency basis on or about January 24, 1986;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, 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 March 19, 1986.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

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

Lee D. Bomberger, Acting 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 February 25, 1986. The meeting site is in a location which is barrier free.

Dated: January 22, 1986

By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
 Re: Repealing WAC 388-86-060 and amending WAC 388-100-005.

Purpose of the Rule Change: To exclude inmates of a city or county jail or of a juvenile detention facility from eligibility for the medically indigent program.

Reason for the Rule Change: To maintain expenditures within budgetary limitations.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: The individual must not be an inmate of a city or county jail or of a juvenile detention facility to be eligible for the medically indigent program.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Program Manager, Division of Medical Assistance, phone 753-7316, mailstop HB-41.

Rules proposed by DSHS.

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

No economic impact statement is required under the Regulatory Fairness Act, Laws of 1982.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-86-060 MEDICAL CARE FOR PRISONERS.

AMENDATORY SECTION (Amending Order 2062, filed 1/4/84)

WAC 388-100-005 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT. (1) The department of social and health services provides a limited casualty program of medical care, administered through the division of medical assistance, designed to meet the health care needs of persons not receiving cash assistance or eligible for any other medical program.

(2) An individual potentially eligible for the medically indigent program is a person who:

(a) Has an acute and emergent medical condition. (i) An acute and emergent medical condition is defined as having a short and relatively severe course, not chronic; occurring unexpectedly and demanding immediate action, (ii) pregnancy is considered an acute and emergent medical condition for the medically indigent program; treatment under the Involuntary Treatment Act (ITA) is considered an acute and emergent need; ((and))

(b) Meets the financial eligibility as defined in chapter 388-100 WAC; and

(c) Is not an inmate of a city or county jail or of a juvenile detention facility.

WSR 86-04-009
PROPOSED RULES
UNIVERSITY OF WASHINGTON

[Filed January 24, 1986]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the University of Washington intends to adopt, amend, or repeal rules concerning the adoption of chapter 478-355 WAC, the adoption of a small works roster for the solicitation of bids and award of contract for public works projects of an estimated cost of less than fifty thousand dollars. The roster will be established by executing an interagency agreement with the Washington State Department of General Administration for use of the department's roster;

that the institution will at 7:00 p.m., Wednesday, March 12, 1986, in Room 409, Balmer Hall, University

of Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 21, 1986.

The authority under which these rules are proposed is RCW 39.34.080 and 28B.20.130.

The specific statute these rules are intended to implement is RCW 28B.10.355.

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before March 12, 1986.

Notice is hereby given that a public hearing will be held on Wednesday, March 12, 1986, in Room 409, Balmer Hall, University of Washington, at 7:00 p.m. The purpose of the hearing is to allow all interested persons an opportunity to present their views, either orally or in writing, regarding the following adoption of rules and regulations.

Adopting chapter 478-355 WAC. The purpose of this chapter is to establish a small works roster for the solicitation of bids and award of contract for public works projects of an estimated cost of less than fifty thousand dollars. The roster will be established by executing an interagency agreement with the Washington State Department of General Administration for use of the department's roster.

Advance copies of these rules may be obtained at the University of Washington's Visitor's Information Center, 4014 University Way N.E., Seattle. Copies will also be available at the public hearing.

Persons wishing to provide written comment should do so by March 12, 1986, and should submit them to 270 Administration Building, University of Washington, Seattle, Washington 98195. Action on these rules and regulations will be taken by the board of regents at its regular meeting on March 21, 1986.

Dated: January 21, 1986

By: Elsa Kircher Cole
Assistant Attorney General

STATEMENT OF PURPOSE

Statutory Authority: RCW 39.34.080 and 28B.10.355.

Purpose of the Rules: To establish a small works roster through an interagency agreement with the Washington State Department of General Administration.

Summary of the Rule: The vice president for business and finance is authorized to use the small works roster in lieu of public advertisement for bid. Bids will be solicited from a bidders list of contractors enrolled on the roster, randomly selected from those contractors qualified to perform the type of work required.

Reasons Which Support the Proposed Action: The creation of a small works roster by the university was authorized by the legislature during its 1985 session and will facilitate the award of public works contracts of an estimated cost of less than fifty thousand dollars.

Name of Person or Organization Proposing the Rules: University of Washington, governmental.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rules: Alan K. Tarr,

Acting Vice President for Business and Finance, phone (206) 543-6410.

The rules are not necessary as the result of federal law, federal court action or state court action.

Agency Comments, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rules: None.

Chapter 478-355 WAC
SMALL WORKS ROSTER

WAC

- 478-355-010 Authority.
- 478-355-020 Purpose.
- 478-355-030 Project construction cost.
- 478-355-040 Procedure for use.
- 478-355-050 Applicable statutes—Rules.
- 478-355-060 Administration.

NEW SECTION

WAC 478-355-010 AUTHORITY. This chapter is enacted by the board of regents of the University of Washington pursuant to RCW 39.34.080, a section of the Interlocal cooperation act and RCW 28B.10.355, authorizing the university to establish a small works roster for public works projects with an estimated cost of less than fifty thousand dollars.

NEW SECTION

WAC 478-355-020 PURPOSE. The department of general administration of the state of Washington has established a small works roster and adopted regulations for its use. In order to avoid duplication of services and expense, the University of Washington vice president for business and finance is authorized to execute an interlocal agreement with the department of general administration for the use of its small works roster by the university. Upon execution of the interlocal agreement, the small works roster created by the department of general administration shall constitute the established university small works roster.

NEW SECTION

WAC 478-355-030 PROJECT CONSTRUCTION COST. Whenever the estimated project construction cost of any University of Washington public work is less than fifty thousand dollars, the University of Washington vice president for business and finance is authorized to use the small works roster in lieu of public advertisement for bids.

NEW SECTION

WAC 478-355-040 PROCEDURE FOR USE. When the small works roster procedure is utilized, written bids will be solicited from a bidders list of at least five contractors from the small works roster randomly selected from those who registered the capability of performing the type of public work at the required location and, if required, are MWBE certified. Only the contractors identified on the bidders list will be eligible to bid on the public work. If all bids are rejected, new bids may be solicited either by again utilizing the small works roster or by public advertisement for bids.

NEW SECTION

WAC 478-355-050 APPLICABLE STATUTES—RULES. All statutes, rules and university procedures pertaining to contracts for public works shall be otherwise fully applicable to contracts awarded through the small works roster procedure.

NEW SECTION

WAC 478-355-060 ADMINISTRATION. The vice president for business and finance is authorized to establish procedures for university use of the small works roster, to terminate the interlocal agreement or to approve modifications to the interlocal agreement when deemed appropriate for the cooperative use of the small works roster.

WSR 86-04-010

ADOPTED RULES

SPOKANE COMMUNITY COLLEGES

[Resolution No. 25—Filed January 24, 1986]

Be it resolved by the board of trustees of Washington Community College District 17, acting at Spokane, Washington, that it does adopt the annexed rules relating to the board of trustees.

This action is taken pursuant to Notice No. WSR 85-23-071 filed with the code reviser on November 20, 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 pursuant to RCW 28B.50-.140 and is intended to administratively implement that statute.

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 January 21, 1986.

By Girard Clark

Chairperson, Board of Trustees

CHAPTER 132Q-01
BOARD OF TRUSTEES

WAC

- 132Q-01-005 Board of Trustees
- 132Q-01-010 Bylaws of the Board of Trustees
- 132Q-01-020 Regular Meetings of the Board of Trustees
- 132Q-01-030 Special Meetings of the Board of Trustees
- 132Q-01-040 Office of the Board of Trustees
- 132Q-01-050 Correspondence for the Board of Trustees

NEW SECTION

✓ WAC 132Q-01-005 BOARD OF TRUSTEES. The Washington Community College District 17 Board of Trustees (Community Colleges of Spokane), is charged with the responsibility of Washington Community College District 17. The authority is vested in the board, not in its individual board members. To assist the board in carrying out its responsibilities, it employees a president of the district and delegates to the president the responsibility for administering the district under policies approved by the board.

Policies of the board of trustees are found in the records of board action, in the Board of Trustees Policy Manual and, if required by RCW 28B.19, in the Washington Administrative Code.

NEW SECTION

✓ WAC 132Q-01-010 BYLAWS OF THE BOARD OF TRUSTEES. The Bylaws of the Board of Trustees of Washington Community College District 17 are contained in Chapter 1 of the Board Policy Manual.

NEW SECTION

✓ WAC 132Q-01-020 REGULAR MEETINGS OF THE BOARD OF TRUSTEES. The Board of Trustees of Washington Community College District 17 (Community Colleges of Spokane) shall hold regular monthly meetings according to a schedule including place, time and date filed with the Washington state code reviser on or before January 1 of each year for publication in the Washington State Register. Notice of any change from such meeting schedule shall be published in the Washington State Register at least twenty days prior to the rescheduled meeting date.

Information about specific meeting places and times may be obtained from the office of the board.

NEW SECTION

✓ WAC 132Q-01-030 SPECIAL MEETINGS OF THE BOARD OF TRUSTEES. Special meetings of the Board of Trustees may be called by the chairperson of the board or by a majority of the members of the board by written notice delivered by mail or by person to each member at least twenty-four hours before the time of such meeting. Such notice shall specify the time and place of the special meeting and the business to be transacted. Final disposition shall not be taken on any other matter at such meetings. Notice of such special meetings also shall be provided twenty-four hours prior to such meetings to each local newspaper of general circulation and to each local radio and television station which has on file a written request to be notified of such special meetings or of all meetings of the board.

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

NEW SECTION

✓ WAC 132Q-01-040 OFFICE OF THE BOARD OF TRUSTEES. The Board of Trustees shall maintain an office at North 2000 Greene Street, Spokane, Washington, 99207, where all regular meetings shall be held unless otherwise announced, and all records, minutes and the official district seal shall be kept. This office shall be open during all normal working hours.

NEW SECTION

✓ WAC 132Q-01-050 CORRESPONDENCE FOR THE BOARD OF TRUSTEES. Correspondence or other business for the Board of Trustees shall be sent to the secretary of the board at the office of the board.

WSR 86-04-011
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
 [Filed January 24, 1986]

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

concerning Demotion, suspension, reduction, separation, dismissal—Cause for, amending WAC 251-10-110;

that the agency will at 9:00 a.m., Thursday, February 20, 1986, in the Board Room, Administration Building, Bellevue Community College, Bellevue, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 21, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-24-069 filed with the code reviser's office on December 4, 1985.

Dated: January 24, 1986

By: John A. Spitz
 Director

WSR 86-04-012
PUBLIC NOTICE
DEPARTMENT OF GAME
 [Memorandum—January 23, 1986]

The Department of Game has formed a Bald Eagle Mediation Committee for the purpose of reaching a consensus agreement on rules for the protection of bald eagle habitat. The committee is comprised of representatives of timber, agriculture, and real estate interests; environmental organizations; agencies of state and local government; and an Indian tribe. The committee's goal is to, by mid-March, arrive at an agreement on a set of rules which is sensitive to the diverse interests and concerns represented on the committee. Such an agreement would then be presented to the Game Commission as a joint recommendation of the committee members.

The group is being assisted in its efforts to reach agreement by a staff member from The Mediation Institute.

For further information, contact Tom Juelson, Non-game Program Manager, Washington State Department of Game, 600 North Capitol Way, Olympia, Washington 98504, (206) 753-5728.

WSR 86-04-013
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 24, 1986]

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 effect of newly acquired income and

property on continuing need, amending WAC 388-28-482;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, 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 March 19, 1986.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

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

Lee D. Bomberger, Acting 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 February 25, 1986. The meeting site is in a location which is barrier free.

Dated: January 22, 1986

By: Lee D. Bomberger, Acting Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

Re: WAC 388-28-482.

Reason this Rule Change is Necessary: To add the language from the Pearson court case regarding treatment of income tax refunds.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: An income tax refund is considered a resource. That portion of the refund which is the earned income tax credit is considered as newly acquired income.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Mary Rose Trepanier, Program Manager, Division of Income Assistance, mailstop OB 31J, phone 753-3177.

This rule is necessary as a result of a court decision, Order in *Pearson v. Rahm*, U.S. Dist. Ct., W.D. Wash., Civil No. C84-413T.

AMENDATORY SECTION (Amending Order 2200, filed 1/30/85)

WAC 388-28-482 EFFECT OF NEWLY ACQUIRED INCOME AND PROPERTY ON CONTINUING NEED. "Newly acquired income" means any previously unreported or undiscovered income which has come into the possession or control, in whole or in part, of a recipient of public assistance, or of a recipient in suspended grant status.

(1) Whenever a recipient shall come into the possession or control of any income, except as modified in subsections (3), (4), and (5) of this

section, such income shall be deducted from the payment level plus authorized additional requirements to determine grant amount beginning with the effective date specified in WAC 388-28-483. The amount deducted shall equal the following:

(a) The net amount of the income if in cash or its equivalent.

(b) At least his or her equity in the quick sale value of property other than cash.

(2) When the property is only potentially available for use in meeting the recipient's requirements, WAC 388-28-400(7) applies.

(3) Exceptions. A recipient who comes into the possession and control of property listed in this subsection may retain such property without having the fact of possession or its sale value affect his or her eligibility or need.

(a) A home used as a residence - see WAC 388-28-420.

(b) Useful and needed clothing, household equipment, food, fuel, and other items included in the requirement standards.

(c) An automobile within the ceiling values in WAC 388-28-430(2).

(d) An income tax refund within the resource ceiling values in WAC 388-28-430. That portion of the refund which is an earned income tax credit shall be considered newly-acquired income.

(4) Recipient with income. The rule in subsection (1) of this section is modified for a recipient of AFDC or continuing general assistance with income as follows:

(a) Earned income retained by a child according to WAC 388-28-535(3) shall be considered as the personal property of the family and shall be subject to the ceilings in WAC 388-28-430(2).

(b) Income from the Economic Opportunity Act, Title I of the Elementary and Secondary Education Act, and from WIN and JTPA is treated according to WAC 388-28-515 and 388-28-570 through 388-28-578.

(c) The possession of any amount of funds from sources listed in subsection (4)(a) and (b) of this section in a cash reserve or savings account does not affect the eligibility of a general assistance recipient. However, if such exempted income is converted into other types of property, WAC 388-28-410 through 388-28-455 apply.

(d) Income from interest on exempt savings, dividends from exempt stocks, increase in life insurance cash surrender value, livestock births, etc., affect eligibility only to the extent that the amount causes the total value of the resource possessed to exceed the ceiling values of the resource. The excess is considered available.

(e) Payment for funeral expenses for recipient. When a public assistance recipient dies, his or her surviving spouse or children or parent of a minor child receiving public assistance may use any of their exempt or nonexempt resources or income, except the home property, to add to available funeral and burial resources in order to pay for the funeral expenses of the deceased person without affecting their eligibility for public assistance: PROVIDED HOWEVER, That if the total funeral expenses for the deceased recipient exceeds the department's maximum cost or the amount provided by the recipient toward the total cost of the funeral expense, whichever is the lesser, shall be considered available to meet the public assistance need of the surviving recipient in accordance with this section.

(f) Funds received by an applicant or recipient representing another person's or family's share of household costs are exempt as income provided that:

(i) Such payments do not represent legally obligated child support except as provided in WAC 388-28-484(7)(b), and

(ii) The provisions of subsection (5) of this section are met.

(5) Use of grant and cash reserve in relation to income.

(a) No question about eligibility is raised if public assistance grants and other income considered in computing financial need are used to add to the cash reserve up to the legal personal property limitations - see WAC 388-28-430. The cash reserve may exceed the maximum only to the extent these unexpended moneys are on hand within thirty days after their receipt, and by exempted amounts as specified in this section.

(b) A recipient always has the right to make a current expenditure out of a cash reserve and replace it from a succeeding grant, just as he or she might place his or her whole grant in a bank account, along with his or her cash reserve, at the beginning of the month and then spend out of the account during the month.

WSR 86-04-014
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2335—Filed January 24, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Overpayment—Repayment, amending chapter 388-44 WAC.

This action is taken pursuant to Notice No. WSR 85-23-016 filed with the code reviser on November 13, 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 74.04.050 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 23, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

✓WAC 388-44-010 OVERPAYMENT—UNDERPAYMENT—DEFINED. (1) "Overpayment" means any grant or medical assistance payment received by or for an assistance unit for the payment month which exceeds the amount the unit was eligible to receive.

(2) An overpayment includes but is not limited to:

(a) Vendor payments for medical care provided during a period when the individual was not eligible for public assistance,

(b) Payments made pending a fair hearing when the fair hearing decision subsequently finds against the client,

(c) Payments made during the ten-day advance notice period when the client is ineligible for payment, and

(d) Continued payments received by the recipient because the appropriate ten-day advance period extends into the next month.

(3) Funeral expenses paid by the department are an overpayment to the extent the value of the estate is not used as a resource in determining eligibility. However, the department's funeral expense payment is not repayable when the estate consists only of assets (resources) which are exempted in determining eligibility for public assistance for the surviving spouse and/or dependents.

(4) Policies regarding food stamps received in excess of the amount the household was entitled to receive are outlined in chapter 388-54 WAC.

(5) "Underpayment" means a financial assistance payment received by or for an assistance unit for the payment month which is less than the amount for which

the assistance unit was eligible, or failure by the state to issue a financial assistance payment for the payment month to an eligible assistance unit if such payment should have been issued.

(6) Policies in this chapter delineating recoupment of overpayments by means of a deduction from the current grant are limited to public assistance money grant overpayments.

(7) For purposes of this chapter, grant payment standard is defined as payment level or the amount payable to a family of the same composition with no other income or nonexempt resources.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

✓WAC 388-44-035 OVERPAYMENT—AMOUNT. (1) The amount of overpayment shall be determined as ((follows:

(a) ~~The overpayment shall be~~) the amount of assistance, including medical care, to which the assistance unit was not entitled.

((b)) (2) To determine the amount to which the assistance unit was not entitled in subsection (1)((a)) of this section, the overpayment shall be reduced:

((i)) (a) By the amount of assistance ((that)) the assistance unit would have been eligible to receive during the period of ineligibility from any other category of assistance.

((ii) ~~For overpayments incurred in months prior to October 1, 1981, only the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported. For AFDC or refugee assistance overpayments incurred after October 1, 1981, there will be no allowable work expenses computed in determining the amount of an overpayment resulting from unreported wages. For general assistance overpayments incurred after October 1, 1981, the amount of any child care paid by a recipient while earning unreported wages in the amount the department would have paid if the employment and child care had been properly reported.~~

((iii)) (b) By the amount of child support, paid by the absent parent for the month of overpayment, in excess of the amount of assistance the assistance unit was actually entitled, in cases where the client was eligible for some part of the monthly AFDC grant.

(c) By the amount of excess support in subsection (2)(b) of this section minus the amount of support already distributed to the recipient according to WAC 388-14-270(2)(a), in cases where the client was totally ineligible for an AFDC grant.

((2)) (3) When establishing an overpayment for a period of time containing both overpayments and underpayments, any overpayment shall be reduced by the amount of any underpayment.

((3)) (4) Underpayments, not negated by being budgeted against an overpayment established at the same time, will be paid to recipients upon discovery. Underpayments to former recipients will not be paid unless specifically ordered by a decision of the courts or a

fair hearing. For purposes of determining continued eligibility and amount of assistance, underpayments paid to recipients shall not be considered as income or as a resource in the month paid nor in the next following month.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

✓ WAC 388-44-110 OVERPAYMENT—LIABILITY. (1) Overpayments may be recovered from:

- (a) The assistance unit which was overpaid;
- (b) Any assistance unit of which a member of the overpaid assistance unit has subsequently become a member(;;); or
- (c) Any individual members of the overpaid assistance unit whether or not currently a recipient.

(2) The exception to this rule is the individual acting as payee only and deriving no financial benefit from the payment of assistance. In such instance the overpayment account receivable is established in the name of the person who received the financial benefit of the payment of assistance.

(3) There shall be no liability placed upon individuals incurring unintentional overpayments when:

- (a) The individual is not receiving a grant at the time the overpayment is discovered and/or computed, and
- (b) The amount of the overpayment is less than thirty-five dollars.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

✓ WAC 388-44-115 VERIFICATION OF OVERPAYMENT. (1) When an apparent overpayment has occurred, the department shall attempt to verify all pertinent information in the case. The department shall attempt to contact the recipient and request an explanation of the circumstances surrounding the apparent overpayment.

(2) If the recipient does not respond or fails to cooperate, the department shall make an independent determination, based on all available information, that an overpayment either has or has not occurred.

(3) When an overpayment has been verified, the department shall take appropriate action to secure repayment as prescribed by WAC 388-44-125 through 388-44-160. Any such action shall be consistent with departmental rules on notification of suspension, termination, or reduction of grant.

(4) A letter shall be sent to any recipient or payee when an overpayment has been established. The letter shall include the following information:

- (a) The amount of the overpayment,
- (b) The circumstances which brought about the overpayment,
- (c) The dates the overpayment occurred,
- (d) An explanation of the method of repayment and the effect of the overpayment on future grant payments,
- (e) A determination that an intentional overpayment is or is not involved,
- (f) A statement that overpayments are debts due the state,

(g) A computation of the amount due the state,

(h) A statement that the financial recovery office is responsible for establishing repayment schedules when recoupment is not subject to a mandatory deduction from the current grant,

(i) A statement of the right to a fair hearing.

~~((5) When the overpayment is intentional, a letter notifying the person must include the following statements in addition to the items in subsection (4) of this section:~~

~~((a))~~ (j) Property of the debtor will be subject to collection action after the debtor terminates from public assistance.

~~((b))~~ (k) Property will be subject to lien and foreclosure, distraint and seizure, and sale or order to withhold and deliver.

~~((c))~~ (l) Net proceeds of subsection ~~((5)(a))~~ (4)(j) and ~~((b))~~ (k) of this section will be applied to satisfy the overpayment debt.

~~((d))~~ (m) Action to collect the debt as in subsections ~~((5)(a))~~ (4)(j) and ~~((b))~~ (k) of this section is lawful after ninety days from the debtor's termination from public assistance or receipt of the notice of debt, whichever is later.

(6) A person who has incurred an overpayment shall be notified of that debt by:

- (a) Personal service, or
- (b) Certified mail, return receipt requested, addressee only.

(7) Personal service may be made by:

- (a) An employee of DSHS, or
- (b) The sheriff of the county where the recipient of public assistance resides. When service is made by the sheriff, an affidavit of service on the county's form will routinely be furnished by the sheriff.

(c) Any other person eighteen years of age or older who is competent to be a witness in the action.

(8) Personal service can be made by delivering a copy of the overpayment letter as follows:

(a) If to a minor, to such minor personally, and also to his or her father, mother, guardian, or if there is none within the state, then to any person having the care, custody, or control of such minor or who is the payee of the minor's grant, or with whom he or she resides or in whose service he or she is employed.

(b) If to any person for whom a guardian has been appointed for any cause, then to such guardian.

(c) If to a company or corporation, to the president or other head of the company or corporation, secretary, cashier, or managing agent thereof or the secretary, stenographer, or office assistant of the president or other head of the company or corporation, secretary, cashier, or managing agent.

(d) In all other cases, to the debtor personally or by leaving a copy of the letter at the residence of the debtor's usual abode with some person of suitable age and discretion residing therein.

(e) If joint liability exists, each debtor shall be provided a copy, except only one copy need be sent to spouses living together.

(f) Out-of-state service shall be the same as personal service within the state.

(g) Refusal of such notice by the debtor is proof of notice to the debtor of the debt owed.

(9) Nothing in this section precludes the department from recovering overpayments by deduction from subsequent assistance payments.

AMENDATORY SECTION (Amending Order 2163, filed 10/18/84)

✓ WAC 388-44-125 REPAYMENT OF OVERPAYMENT FROM CURRENT RECIPIENTS. (1) Repayment of an overpayment shall be made by the individual or the overpaid assistance unit from resources and/or income, and/or by deductions from subsequent grants, and/or as a result of civil or criminal action initiated by the department or the prosecutor, and/or from an estate upon death.

(2) A public assistance money grant may not be reduced to recover overpayments of medical assistance, food coupons, or food commodities.

(3) The recipient is required to pay all overpayments except where recovery is determined to be inequitable under WAC 388-44-127. A mandatory grant deduction will be used to liquidate the overpayment, except that unintentional overpayments prior to January 1, 1982, are not subject to mandatory collection from a grant.

(4) An additional deduction from subsequent grants can be made if the recipient so requests in writing specifying the amount of the monthly deduction. Voluntary grant deductions may be discontinued or modified at any time upon written request from the recipient.

(5) Overpayments ~~(, defined in WAC 388-44-145 (3)(a), being)~~ recovered by monthly deductions ~~((not to exceed five))~~ of less than ten percent of the recipient's total monthly grant payment standard shall be recovered promptly. The department will, by the end of the quarter following the quarter in which the overpayment is first identified:

(a) Recover the overpayment, or

(b) Execute a monthly recovery agreement from a current recipient's grant or income and resources, defined as follows:

(i) The recipient must see the agency-proposed agreement as defined in WAC 388-44-115(4),

(ii) The recipient must understand the options available (mandatory deductions or lump-sum payments), and

(iii) The recipient must be given an opportunity to respond to these payment options.

AMENDATORY SECTION (Amending Order 1755, filed 2/3/82)

✓ WAC 388-44-140 RESPONSIBILITY FOR RECOVERY OF OVERPAYMENT. (1) Overpayments are debts due the state and are subject to recovery by the department.

(2) The local office shall be responsible for effecting repayment of overpayments from current recipients when repayments are to be made by grant deduction as specified in WAC 388-44-145.

~~((2))~~ (3) The office of financial recovery ((office)) and the attorney general ~~((staff-be))~~ are responsible for

~~((effecting repayment))~~ the recovery of overpayments from former recipients and for the determination of collectibility.

AMENDATORY SECTION (Amending Order 2163, filed 10/18/84)

✓ WAC 388-44-145 INVOLUNTARY REPAYMENT OF OVERPAYMENT—MANDATORY GRANT DEDUCTION. (1) An overpayment shall be recouped by mandatory deduction from future continuing assistance grants except as modified by ~~((subsection (2) of this section and))~~ WAC 388-44-125 and 388-44-127.

(2) An intentional overpayment is subject to recovery by a mandatory ~~((recoupment and if))~~ grant deduction of ten percent of the payment standard unless the recipient has cash, bank accounts, or marketable securities he or she refuses to use in full or partial satisfaction of an overpayment((;)). In such cases, a monthly deduction of up to one hundred percent of future ((grant(s)) grant or grants shall be established until such time as the amount of the ((grant(s)) grant or grants the recipient would be otherwise eligible to receive equals the value of the cash, bank accounts, or marketable securities withheld. The amount of income and resources remaining available to the assistance unit shall not be less than ninety percent of the grant payment standard defined ((under the state plan to a family of the same composition with no other income)) in WAC 388-44-010(7).

(3) ~~((After intentional overpayments are satisfied pursuant to subsection (2) of this section and the recipient still owes a debt, or when subsection (2) of this section does not apply,~~

~~((a))~~ The department shall ~~((on a case-by-case basis,))~~ limit the amount of the monthly deduction for unintentional overpayments so the deduction shall not exceed five percent of the recipient's total monthly grant payment standard ~~((if the requirements of WAC 388-44-125(5) are satisfied or))~~ unless the recipient voluntarily requests a larger deduction in writing.

~~((b))~~ (a) When a recipient is in a nursing home, intermediate care facility, or hospital, a monthly deduction may be made against the clothing and incidental grant to the recipient. A monthly deduction shall not be made against the vendor payment to the nursing home or intermediate care facility.

~~((c))~~ (b) The grant shall be suspended when the monthly deduction is equal to or more than the grant which would have been paid had no overpayment occurred.

(4) Prior to the initial grant deduction, the client shall be informed in writing of the amount of the monthly deduction. The notification shall state the amount of the current grant before and after the deduction is made, the date the deduction begins, the total amount of overpayment to be recouped by grant deduction, and the approximate number of months the deduction will be made.

(5) Mandatory deductions from public assistance grants shall recoup no more than one hundred percent of the amount of assistance that the individual was ineligible to receive.

AMENDATORY SECTION (Amending Order 1947, filed 2/16/83)

WAC 388-44-150 ((INVOLUNTARY REPAYMENT)) RECOVERY OF OVERPAYMENTS—((LIEN ON PROPERTY)) FORMER RECIPIENTS.

When the department determines there is an overpayment, the ((filing of)) department may as appropriate:

(1) File a lien against the property ((owned by the individual pursuant to RCW 74.04.300 shall be the responsibility)) of the ((financial recovery office)) debtor;

(2) Accept voluntary repayment agreements from the debtor;

(3) Issue an order to withhold and deliver the debtor's wages, earnings, income property, and/or accounts;

(4) Accept a statutory assignment of wages from the debtor; and/or

(5) Pursue recovery in civil courts through the attorney general's office.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 388-44-025 OVERPAYMENTS—EFFECTIVE DATES.

WAC 388-44-130 REPAYMENT OF OVERPAYMENT FROM FORMER RECIPIENTS.

**WSR 86-04-015
PROPOSED RULES
DEPARTMENT OF CORRECTIONS**
[Filed January 24, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning superintendent's procedures, amending WAC 137-54-030.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 14, 1986.

The authority under which these rules are proposed is RCW 72.01.090 and 72.09.050.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 23, 1986
By: Robert E. Trimble
for Amos E. Reed
Secretary

STATEMENT OF PURPOSE

Title and Number of Rule: Amending WAC 137-54-030, Superintendent's procedures.

Statutory Authority: RCW 72.01.090 and 72.09.050.

Summary and Purpose: To address procedures regarding premarriage counseling for inmates of adult correctional institutions.

Agency Personnel Responsible for Drafting and Adoption: Gary L. Banning, Assistant Administrator, Office of Contracts and Regulations, Division of Management and Budget, mailstop FN-61, scan 234-5770;

Implementation and Enforcement: Walter L. Kautzky, Director, Division of Prisons, Department of Corrections, mailstop FN-61, scan 234-1502.

No other person or organization other than the Department of Corrections is proposing these rules.

These rules are not necessary to comply with a federal law or a federal or state court decision.

These rules do not have an impact on small businesses.

AMENDATORY SECTION (Amending Order 85-03, filed 2/13/85)

WAC 137-54-030 SUPERINTENDENT'S PROCEDURES. (1) Superintendents shall develop written procedures for inmate marriages. Said procedures shall address, but not be limited to:

(a) The inmate's notice of intent to marry;

(b) ~~((Requested))~~ Premarriage counseling for the inmate and the intended spouse;

(c) The visitation privileges between the inmate and intended spouse; and

(d) The conduct of the marriage and related matters, giving due consideration to the requirements of security, safety, health, and orderliness.

(2) Inmates will be advised of such procedures developed by the superintendent.

**WSR 86-04-016
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
MEXICAN AMERICAN AFFAIRS**
[Memorandum—January 15, 1986]

There is a change in the Washington State Commission on Mexican American Affairs' 1986 meeting schedule. The February 10, 1986, meetings will take place on February 15, 1986, at Sea-Tac International Airport. The meeting schedule now reads as follows:

February 15, 1986	Sea-Tac International Airport
April 12, 1986	Spokane
June 14, 1986	Othello
August 9, 1986	Walla Walla
September 13, 1986	Sunnyside
December 13, 1986	Olympia

All meetings will begin at 11 a.m. and be held on Saturdays with the exception of February 15, 1986, which will commence at 1 p.m. Meeting locations will vary locally.

**WSR 86-04-017
EMERGENCY RULES
DEPARTMENT OF FISHERIES**
[Order 86-02—Filed January 27, 1986]

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

I, William R. Wilkerson, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity

to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is harvestable numbers of sturgeon are available, and these rules are adopted 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 75.08.070 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 24, 1986.

By William R. Wilkerson
Director

NEW SECTION

WAC 220-32-02200P LAWFUL GEAR—SEASONS—STURGEON. *Notwithstanding the provisions of WAC 220-32-022, WAC 220-32-030, WAC 220-32-031, and WAC 220-32-040, it is unlawful to take, fish for or possess sturgeon taken for commercial purposes will gill net gear in Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D or that portion of Area 1E downstream of a line projected due north from the mouth of Oneonta Creek on the Oregon side to a deadline marker on the Washington shore except as provided for in this section:*

(1) *Lawful fishing periods are:*

12:00 noon January 27 to 6:00 p.m. January 31

12:00 noon February 3 to 6:00 p.m. February 7

12:00 noon February 10 to 6:00 p.m. February 14,

1986

(2) *It is unlawful to use gear other than single-wall, drift gill nets no more than 250 fathoms in length on which slackers, defined as a single piece of material or cord not webbing or mesh connected vertically or woven in the mesh of the net between the cork and lead line and used to tie the netting in a shortened state to give the net flexibility, may be used. The minimum mesh size is 9 inches measured from the inside of one knot to the outside of a diagonal knot stretched at no more than a 1 pound pull.*

(3) *It is unlawful to retain any sturgeon not of lawful size, as provided for in WAC 220-20-020, and all sturgeon in transit must not have head or tail removed.*

(4) *It is lawful to retain sturgeon for commercial purposes taken incidental to any lawful commercial salmon fishery.*

(5) *It is lawful to sell chinook salmon taken incidentally to sturgeon fishing during the periods in subsection (1) of this section.*

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

WSR 86-04-018

NOTICE OF PUBLIC MEETINGS SPOKANE COMMUNITY COLLEGES

[Memorandum—January 23, 1986]

The regular meeting of the board of trustees of Washington Community College District 17 (the Community Colleges of Spokane) originally scheduled for 1:30 p.m. on March 18, 1986, has been rescheduled for Tuesday, March 11, 1986, at 1:30 p.m. in the District Board Room at North 2000 Greene Street, Spokane, WA.

WSR 86-04-019

EMERGENCY RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Order 2336—Filed January 27, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 388-82-010	Persons eligible for medical assistance.
Amd	WAC 388-95-320	Eligibility determinations—Institutional.
Amd	WAC 388-99-010	Persons eligible for medically needy assistance.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these changes are intended to prevent a possible misinterpretation of the subject rules which would result in a loss of state dollars.

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

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

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

APPROVED AND ADOPTED January 24, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1891, filed 10/13/82)

WAC 388-82-010 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE. *Medical assistance is available to any individual who is categorically needy.*

(1) *Individuals receiving or eligible to receive a cash assistance payment. Categories under which individuals may qualify include:*

(a) *Aid to families with dependent children (AFDC);*

(b) Supplemental security income (SSI);

(c) State supplemental payment. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for medic-aid; and

(d) Individuals under age twenty-one whose income is less than the one person AFDC standard and who are in:

(i) Foster care; or

(ii) Subsidized adoption; or

(iii) Skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded (ICF/MR); or

(iv) Approved inpatient psychiatric facilities. See WAC 388-95-320 for responsibility of parents.

(2) Individuals in medical facilities:

(a) Who would be eligible for cash assistance if they were not institutionalized. This includes all categorically needy groups;

(b) Who are SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.

(3) Individuals who would not receive cash assistance because of special provisions as defined in WAC 388-83-028.

AMENDATORY SECTION (Amending Order 1964, filed 6/1/83)

WAC 388-95-320 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) ~~((SSI/state supplement))~~ Title XVI related individuals in medical facilities shall have their eligibility determined by comparing their gross income to ~~((the))~~ three hundred percent of the SSI ~~((cap (SSI benefit)))~~ federal benefit amount payable under section 1611 ~~(b)(1) of the Social Security Act to an individual in his/her own home who has no income or resources (SSI cap).~~

(b) If gross income is greater than three hundred percent of SSI cap, eligibility must be determined under the limited casualty program—medically needy in chapter 388-99 WAC.

(c) Allocation of recipient income is defined in WAC 388-95-360.

(d) For consideration of resources see WAC 388-95-380 and 388-95-390. The home becomes a resource when it is determined no longer the principal place of residence.

(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person.

(3) Individuals under age eighteen who reside in an approved inpatient psychiatric facility shall have their eligibility determined as follows:

(a) If the absence from the home is temporary, the income and resources of the parents are considered to be available whether or not actually contributed. Absence is

considered to be temporary if the individual is placed in an acute care facility and return to the home is expected within ninety days.

(b) If the absence from the home is other than temporary, the income and resources of the parents are not considered available unless actually contributed. Absence is considered other than temporary if the individual is:

(i) Placed in an acute care facility and return to the home is not expected within ninety days, i.e., following discharge, placement will be other than in the home; or

(ii) Placed in an approved inpatient psychiatric long-term care facility.

(4) Individuals age eighteen through age twenty, who reside in an approved inpatient psychiatric facility, the income and resources of the parents are not considered available unless actually contributed.

AMENDATORY SECTION (Amending Order 2269, filed 8/15/85)

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 federal benefit ~~((cap))~~ amount payable under section 1611 (b)(1) of the Social Security Act to an individual in his/her own home who has no income or resources (SSI 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.

(8) A pregnant woman who does not meet the aid to families with dependent children deprivation and income requirements. For this subsection the period of eligibility includes the six weeks following delivery to cover the post partum care.

WSR 86-04-020
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed January 27, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Social and Health Services intends to adopt, amend, or repeal rules concerning:

Amd WAC 388-82-010 Persons eligible for medical assistance.
 Amd WAC 388-95-320 Eligibility determinations—Institutional.
 Amd WAC 388-99-010 Persons eligible for medically needy assistance.

It is the intention of the secretary to adopt these rules on an emergency basis on or about January 27, 1986;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, 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 March 19, 1986.

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

The specific statute these rules are intended to implement is chapter 74.09 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

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

Lee D. Bomberger, Acting 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 February 25, 1986. The meeting site is in a location which is barrier free.

Dated: January 24, 1986

By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Amending WAC 388-82-010, 388-95-320 and 388-99-010.

Purpose of These Rule Changes: To clarify treatment of parent's income and resources and to clarify the meaning of the SSI cap.

Reasons These Rule Changes are Necessary: The present regulations do not specify how to treat income and resources of parents of individuals in an approved psychiatric facility. To prevent the wrong interpretation of the rule to include the state supplementary payment in determining the SSI cap. This interpretation would result in state dollar loss.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Changes: For individuals under age eighteen placed in an acute care inpatient psychiatric facility and return to the home is expected within ninety days, the parents income and resources are considered to be available. For individuals under age eighteen placed in an inpatient psychiatric facility and return to the home is not expected within ninety days, the parent's income and resources are not considered available unless actually contributed. For individuals age eighteen, nineteen or twenty in an inpatient psychiatric facility, the parent's income and resources are not considered available unless actually contributed. New wording is added to clarify that only the federal SSI benefit amount is used in determining the SSI cap.

Person Responsible for Drafting, Implementation and Enforcement of the Rule: Jim Sparks, Medical Assistance Program Manager, Division of Medical Assistance, mailstop HB 41, phone 753-7316.

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.

AMENDATORY SECTION (Amending Order 1891, filed 10/13/82)

WAC 388-82-010 PERSONS ELIGIBLE FOR MEDICAL ASSISTANCE. Medical assistance is available to any individual who is categorically needy.

(1) Individuals receiving or eligible to receive a cash assistance payment. Categories under which individuals may qualify include:

- (a) Aid to families with dependent children (AFDC);
- (b) Supplemental security income (SSI);
- (c) State supplemental payment. The ineligible spouse of an SSI beneficiary receiving a state supplement payment for the ineligible spouse is not eligible for medicaid; and
- (d) Individuals under age twenty-one whose income is less than the one person AFDC standard and who are in:
 - (i) Foster care; or
 - (ii) Subsidized adoption; or
 - (iii) Skilled nursing home, intermediate care facility, or intermediate care facility for mentally retarded (ICF/MR); or
 - (iv) Approved inpatient psychiatric facilities. See WAC 388-95-320 for responsibility of parents.

(2) Individuals in medical facilities:

- (a) Who would be eligible for cash assistance if they were not institutionalized. This includes all categorically needy groups;
- (b) Who are SSI categorically related and would not be eligible for cash assistance if they were not institutionalized and whose gross income does not exceed the three hundred percent SSI benefit cap. This includes only aged, blind, and disabled groups.
- (3) Individuals who would not receive cash assistance because of special provisions as defined in WAC 388-83-028.

AMENDATORY SECTION (Amending Order 1964, filed 6/1/83)

WAC 388-95-320 ELIGIBILITY DETERMINATION—INSTITUTIONAL. (1) Individuals are considered institutionalized if they reside in a medical facility at least a full calendar month.

(a) ~~((SSI/state supplement))~~ Title XVI related individuals in medical facilities shall have their eligibility determined by comparing their gross income to ~~((the))~~ three hundred percent of the SSI ~~((cap—SSI benefit))~~ federal benefit amount payable under section 1611 (b)(1) of the Social Security Act to an individual in his/her own home who has no income or resources (SSI cap).

(b) If gross income is greater than three hundred percent of SSI cap, eligibility must be determined under the limited casualty program—medically needy in chapter 388-99 WAC.

(c) Allocation of recipient income is defined in WAC 388-95-360.

(d) For consideration of resources see WAC 388-95-380 and 388-95-390. The home becomes a resource when it is determined no longer the principal place of residence.

(2) Individuals who reside in a medical facility less than a full calendar month shall have their eligibility determined as for a noninstitutionalized person.

(3) Individuals under age eighteen who reside in an approved inpatient psychiatric facility shall have their eligibility determined as follows:

(a) If the absence from the home is temporary, the income and resources of the parents are considered to be available whether or not actually contributed. Absence is considered to be temporary if the individual is placed in an acute care facility and return to the home is expected within ninety days.

(b) If the absence from the home is other than temporary, the income and resources of the parents are not considered available unless actually contributed. Absence is considered other than temporary if the individual is:

(i) Placed in an acute care facility and return to the home is not expected within ninety days, i.e., following discharge, placement will be other than in the home; or

(ii) Placed in an approved inpatient psychiatric long-term care facility.

(4) Individuals age eighteen through age twenty, who reside in an approved inpatient psychiatric facility, the income and resources of the parents are not considered available unless actually contributed.

AMENDATORY SECTION (Amending Order 2269, filed 8/15/85)

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 federal benefit ((cap)) amount payable under section 1611 (b)(1) of the Social Security Act to an individual in his/her own home who has no income or resources (SSI 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.

(8) A pregnant woman who does not meet the aid to families with dependent children deprivation and income requirements. For this subsection the period of eligibility includes the six weeks following delivery to cover the post partum care.

WSR 86-04-021

EMERGENCY RULES

DEPARTMENT OF GAME

(Game Commission)

[Order 296—Filed January 27, 1986]

Be it resolved by the State Game Commission, acting at Olympia, Washington, conference call, that it does adopt the annexed rules relating to emergency declaration, dogs may be taken into custody or destroyed, WAC 232-12-04507.

Dogs pursuing, harassing, attacking or killing deer or elk in Grays Harbor County may be taken into custody or destroyed.

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 severe winter conditions have made deer and elk vulnerable to pursuit, harassment, attack or being killed by dogs running loose. Instances of deer being killed by dogs have been documented.

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

This rule is promulgated pursuant to RCW 77.12.315 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 27, 1986.

By Archie U. Mills

Chairman, Game Commission

NEW SECTION

WAC 232-12-04507 EMERGENCY DECLARATION, DOGS MAY BE TAKEN INTO CUSTODY OR DESTROYED. Pursuant to the determination by the Director of Game that a severe problem exists in Grays Harbor County, the State Game Commission declares that an emergency exists, and that effective January 27, 1986, in the aforementioned county, it is lawful for wildlife agents to take into custody, or destroy if necessary, any dog found pursuing, harassing, attacking or killing deer or elk. Wildlife agents who take into custody or destroy a dog pursuant to this rule and RCW 77.12.315 are immune from civil or criminal liability arising from their actions.

WSR 86-04-022

PROPOSED RULES

UTILITIES AND TRANSPORTATION

COMMISSION

[Filed January 28, 1986]

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 deposit or security by interexchange telecommunications companies, WAC 480-120-057. Cause No. U-85-58. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed adoption on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

Comment is specifically invited on the effect, if any, on small businesses (those having fewer than 50 employees) in the detail contemplated by chapter 19.85 RCW;

that the agency will at 9:00 a.m., Wednesday, February 5, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, 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 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 31, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-23-030 filed with the code reviser's office on November 14, 1985.

Dated: January 28, 1986

By: Paul Curl
Acting Secretary

WSR 86-04-023
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION
[Filed January 28, 1986]

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 political education activities, WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032. Cause No. U-85-78. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed amendments on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17);

that the agency will at 9:00 a.m., Wednesday, February 5, 1986, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 Evergreen Park Drive South, 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 80.01.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 31, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-24-065 filed with the code reviser's office on December 3, 1985.

Dated: January 28, 1986

By: Paul Curl
Acting Secretary

WSR 86-04-024
ADOPTED RULES
DEPARTMENT OF REVENUE
[Order 86-2—Filed January 28, 1986]

I, Matthew J. Coyle, acting director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to trade-ins, selling price, sellers' tax measures, amending WAC 458-20-247.

This action is taken pursuant to Notice No. WSR 86-01-076 filed with the code reviser on December 18, 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 Revenue as authorized in RCW 82.32.300.

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

APPROVED AND ADOPTED January 28, 1986.

By Matthew J. Coyle
Acting Director

AMENDATORY SECTION (Amending Order ET 84-6, filed 12/21/84)

✓ WAC 458-20-247 TRADE-INS, SELLING PRICE, SELLERS' TAX MEASURES. Initiative Measure No. 464, approved November 6, 1984 amended RCW 82.08.010(1), the statutory definition of "selling price," by excluding from that term the value of "trade-in property of like kind." The effective date of this exclusion is December 6, 1984. As a result, the retail sales tax measure on trade-in sales is reduced by the value of the property traded in. Thus, on and after the effective date, the value of "trade-in property" may be excluded from the measure of retail sales tax to be collected and reported by the seller who accepts the trade-in property as payment for new or used property sold. Actual delivery of the property to the buyer determines when the sale is made (see WAC 458-20-103). The initiative applies only to sales where the property is delivered to the purchaser on or after December 6, 1984.

Under RCW 82.08.010, as amended by the initiative, "the term 'selling price' means the consideration, whether money, credits, rights, or other property except trade-in property of like kind, expressed in terms of money, paid or delivered by a buyer to a seller, all without any deduction, on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discounts, delivery costs, taxes other than taxes imposed under this chapter if the seller advertises the price as including the tax or that the seller is paying the tax, or any other expense whatsoever paid or accrued and without any deduction on account of losses." (Amendatory language underscored.)

DEFINITIONS

Unless otherwise stated, the terms "tax," "taxable," and "nontaxable," as used in this rule, refer to retail sales tax only.

The terms, "trade-in," "traded-in," and "property traded-in" have their ordinary and common meaning. They mean property of like kind to that acquired in a retail sale which is applied, in whole or in part, toward the selling price.

The term "property of like kind" means articles of tangible property of the same generic classification. It refers to the class and kind of property, not to its grade or quality. The term includes all property within a general classification rather than within a specific category in the classification. Thus, as examples, it means furniture for furniture, motor vehicles for motor vehicles, licensed recreational land vehicles for licensed recreational land vehicles, appliances for appliances, auto parts for auto parts, audio/video equipment for audio/video equipment, and the like. These general classifications are determined by the nature of the property and its function or use. It may be that some kinds of property fit within more than one general classification. For example, a motor home is both a motor vehicle and a licensed recreational land vehicle. Thus, for purposes of this rule, a motor home may be taken as a trade-in on a travel trailer, truck, camper, or a truck with camper attached, and vice versa. Similarly, a travel trailer may be taken as trade-in on a motor home even though a travel trailer is not a motor vehicle; both are licensed recreational land vehicles. Conversely, a utility trailer may not be taken as trade-in on a travel trailer, for purposes of this rule, because a utility trailer is neither a motor vehicle nor a licensed recreational land vehicle. Similarly, a car may not be taken as trade-in on a camper and vice versa.

Under these definitions it is not required that a car be traded-in exclusively on another car in order to get the trade-in reduction of the tax measure. It could, as well, be traded-in as part payment for a truck, motorcycle, motor home, or any other qualifying motor vehicle. Similarly, a sofa for a recliner chair, a pistol for a rifle, a sailboat for a motorboat, or a gold chain for a wrist watch are the kinds of generic trade-in transfers which would qualify. However, the exclusion of the value of property traded-in does not include such things as a motorcycle for a boat, a diamond ring for a television set, a battery for lumber, or farm machinery (including tractors and self propelled combines) for a car.

VALUE OF PROPERTY TRADED-IN — The seller and buyer establish the value of property traded-in. However, the parties may not overstate the value of the property traded-in in order to artificially lower the amount of sales of use tax due. Absent proof of a higher value, the property traded-in must be determined by the fair market value of similar property of like quality, quantity, and age, sold or traded under comparable conditions. It is the substance of the actual sale and trade-in transaction which will control the retail sales tax measure, regardless of any subsequent accounting adjustments to the seller's inventory records or books of account.

RECORD KEEPING — RCW 82.32.070 requires every person liable for any tax to keep and preserve records from which true tax liability can be determined. Before any exclusion from the selling price for the value of property traded-in will be allowed, the property traded-in must be specifically identified and clearly indicated as "trade-in," by model, serial number and year of manufacture where applicable, and the full trade-in value must be shown on the sales agreement or invoice given to the purchaser, with a copy retained in the seller's permanent sales records.

For example:

Less "trade-in" — 1983 G.E. Refrigerator/
Freezer
Model No. GE-RF0001, Serial No. 0001,
\$300.

ENCUMBERED PROPERTY TRADED-IN — Sellers are allowed to consider as nontaxable the value of property traded-in even though ownership of the property may be encumbered by a conditional sale, retail installment contract, or security interest; provided that, the property traded-in must be actually transferred to the seller of the new or used property for which it is traded-in.

CASUAL OR ISOLATED SALES — The retail sales tax applies to all casual or isolated retail sales made by any person who is engaged in business activity, that is, a person required to be registered and reporting tax to the state. Persons who are not engaged in business activity, i.e., private persons, are not required to be registered and are not required to collect sales tax on their casual or isolated sales (see WAC 458-20-106). Registered persons who make casual or isolated sales (e.g., a law firm which sells its law books) may reduce the taxable selling price by the value of the property traded-in. The same record keeping requirements apply as explained earlier in this rule.

RETAIL SERVICES — The exclusion of the value of property traded-in from the selling price tax measure applies only to sales involving tangible property traded-in for tangible property sold. It does not apply to any transactions involving services which have been statutorily included as "sales at retail" (see RCW 82.04.050). Thus, for example, a construction contractor may not accept part payment in tangible property to thereby reduce the sales tax measure of the construction contract selling price. Similarly, a seller of tangible personal property may not accept retail services as part payment to thereby reduce the selling price tax measure. Such transfers neither qualify as trade-in transfers of tangible property nor "in-kind" transfers.

TRADE-IN FOR RENTAL PROPERTY — Under RCW 82.04.050, rentals or leases of tangible personal property are "retail sales." The term "selling price" as amended by Initiative 464 is also the tax measure for such rentals and leases. Thus, where tangible property is traded-in as part payment for the rental or lease of property of like kind (e.g., a used computer against the rental of a new one) the sales tax will apply to all payments after the value of the property traded-in has been depleted or consumed and the lessor of the property actually begins

making charges for the lease or rental of tangible property.

When tangible personal property is rented or leased, the "selling price" includes all charges to the renter or lessee for the use of the property rented or leased, including charges designated as insurance, interest and other costs recovered stated separately from the regular rental fee. When tangible personal property is rented or leased under circumstances that the consideration paid does not represent a reasonable rental for the use of the articles so rented or leased, the "selling price" must be determined as nearly as possible according to the value of such use at the places of use of similar products of like quality and character. In cases of doubt, all of the pertinent facts should be submitted to the department of revenue for an advisory determination.

REAL PROPERTY TRANSFERS — The trade-in exclusion does not apply to sales of real property. It also does not apply where real property is traded-in for tangible personal property.

BUSINESS AND OCCUPATION TAX

The trade-in exclusion affects only the measure of retail sales tax to be collected and paid. There is no trade-in exclusion for business and occupation tax. Thus, the gross receipts to be reported under the retailing classification of business and occupation tax continues to be the total value proceeding or accruing from the sale, including the value of property traded-in.

RCW 82.04.070 provides, "The term 'gross proceeds of sales' means the value proceeding or accruing from the sale of tangible personal property . . . without any deduction on account of the cost of property sold, the cost of materials used, labor costs, interest, discount paid, delivery costs, taxes or any other expense whatsoever paid or accrued and without any deduction on account of losses."

Also, the terms "selling price" and "gross proceeds of sales" include items of cost which are the direct obligation of the seller but which the seller may invoice separately to the purchaser. Examples of such costs are the cost of the contractor's performance bond, the cost of city or state business and occupation taxes of public utility taxes, the cost of insurance protecting the seller and the cost of freight in. The selling price can be payable in money or otherwise. If it is payable in whole or in part in property, each party is a seller of the property being transferred.

USE TAX

RCW 82.12.010 defines the measure of the use tax as the "value of the article used." Under certain circumstances that value is determined by the "selling price" of the article or property used. Also, this use tax statute provides that the meaning of words in chapter 82.08 RCW (retail sales tax) shall have full force as well with respect to the use tax chapter. Thus, the Initiative 464 amendment of the definition of "selling price" will apply equally for use tax purposes. Therefore, the measure of the use tax for tangible property upon which no retail sales tax has been paid (e.g., if it were purchased in another state with no sales tax) is the same "selling price"

as defined for retail sales tax purposes. In such cases the value of the property traded-in will be excluded from the use tax measure.

The consumer-user, or any out-of-state seller who is registered in this state and collects this state's use tax, must retain the sales records reflecting property "traded-in," as explained earlier in this rule.

PREPARING TAX RETURNS

The gross amounts reported under column 2 on the combined excise tax return should be the same amounts under the retailing business and occupation tax (line 18) and the retail sales tax (line 19). The reduction of the "selling price" tax measure for property traded-in should be reflected as a deduction only under the retail sales tax (column 3, line 19). Until return forms are amended, this sales tax deduction should be shown on the back side of the form (line 19) under "other deductions" and explained as "traded-in sales."

WSR 86-04-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)
[Filed January 28, 1986]

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 readopting WAC 440-44-050 radiation machine facility registration fees; and WAC 440-44-057 license fees for radioactive materials.

The secretary is not making any specific proposals for changes in the rules. The purpose of the hearing is to receive public comment;

that the agency will at 10:00 a.m., Tuesday, March 18, 1986, 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 March 27, 1986.

The authority under which these rules are proposed is RCW 43.20A.055.

The specific statute these rules are intended to implement is RCW 43.20A.055.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1986.

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

Lee D. Bomberger, Acting 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 February 25, 1986. The meeting site is in a location which is barrier free.

Dated: January 27, 1986

By: Lee D. Bomberger, Acting Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.

Readopt and reaffirm changes that were made to WAC 440-44-050 and 440-44-057.

Purpose of the Rule Readoption: To provide adequate time for public comment.

This readoption is necessary based on the advice of the Joint Administrative Rules Review Committee.

Statutory Authority: Section 2, chapter 201, Laws of 1982.

Summary of the Readoption: See above.

Person Responsible for Drafting, Implementation and Enforcement of These Rules: T. R. Strong, Head, Radiation Control Section, mailstop LE-13, phone 753-3468.

This readoption is proposed by John A. Beare, MD, MPH, Director, Division of Health, and recommended by staff of the Division of Health, Department of Social and Health Services.

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

Chapter 70.98 RCW establishes a radiation control program for licensing, registering, and inspecting sources of ionizing radiation to ensure adequate protection of the public health and safety. Chapter 19.85 RCW, the Regulatory Fairness Act, requires any agency proposing rules to prepare an economic impact statement describing the economic impact of the rule and to reduce the economic impact of that rule on small business whenever it is legal and feasible to do so. The department's authority to adopt the following proposed rules is in chapter 43.20A RCW, which requires the department to charge fees for radioactive materials licenses and x-ray facility registrations. This statute also stipulates that the fee shall be based on, and shall not exceed, the cost to the agency by class of facility for services provided. As the result of budget and policy decisions, the proposed fees are established at levels intended to recover all of the costs in the x-ray registration and radioactive materials licensing program areas.

The small business economic impact statement required by chapter 19.85 RCW must analyze the cost of compliance with the proposed rules and compare, to the greatest extent possible, the cost of compliance for small businesses with the cost of compliance for the ten percent of firms which are the largest businesses required to comply with the proposed rule. There are no increased equipment, supplies, labor, or administrative costs associated with this rule. The cost of compliance is the explicit fee imposed by class of facility, with the fee being based on the department's cost of staff work required to assure the health and safety of citizens.

X-ray facility registration fees, in four classes of facilities, are based on the cost of regulating 4,337 x-ray facilities. In assessing the x-ray fees, the department

determined that it is possible to comply with both chapters 43.20A and 19.85 RCW by charging fees on a "per x-ray tube" basis. In this way, the fee schedule reflects the size of the business; facilities with fewer tubes incur less cost and, therefore, pay a smaller fee to the department than do facilities with more tubes.

Radioactive materials license fees are based on the cost of regulating 39 different categories of radioactive materials use. There are currently 431 general and specific licenses issued in 35 fee categories (four categories currently do not have active licensees). There are approximately 70 general licenses issued to medical users of very limited quantities of *in-vitro* test kits. Fees in this category were reduced by 40 percent (from \$50 to \$30) in 1985 and further information has not been obtained as to their standard industrial classification (SIC) codes or number of employees, since the fee for licenses in this category is considered to be at minimum. Fees for general licenses will not be considered further in this analysis.

The first test for applicability of the Regulatory Fairness Act is to determine if licensees represent greater than ten percent of the total number of industries within a given SIC code. With general licenses eliminated from further consideration, the remaining 361 specific radioactive materials licensees, with the exception of 16 for which no classification has been made, fall into 81 different SIC categories. Of these 345 licensees, 130 are assigned to SIC categories in which they represent at least ten percent of the businesses in that SIC category. Analysis of the potential combinations of 130 licenses and 81 SIC code categories has produced no meaningful information which would lead the department to a logical or workable mechanism for reducing fees in view of the relatively fixed cost of the service provided. The remaining 215 licenses do not represent ten percent of the businesses in any given SIC category and, therefore, do not fall within the purview of the Regulatory Fairness Act.

The bases for comparing the cost of proposed rules, as required by RCW 19.85.040, are: Cost per employee, cost per hour of labor, and/or cost per \$100 of sales. The department has determined that information necessary to adequately conduct such comparisons would be costly to obtain, and that it is clear from a cursory look at the cost of the fee per employee, that fees are relatively higher for small businesses. For instance, a \$500 annual fee represents a fee equal to or greater than \$10 per employee for a small business (50 or fewer employees), but only \$1 per employee for a business of 500 employees.

The Regulatory Fairness Act suggests four methods for reducing the economic impact of a rule. Three of the methods do not apply to the imposition of a fee, but rather to types of rules which have their costs hidden in construction, equipment, or labor factors. The final option, the exemption of small businesses or the reduction of their fees, is not legal in view of the requirements in chapter 43.20A RCW, which requires the license and its fee to be based on the actual cost of service. Exemption or reduction would require the lost or shifted revenue to be recovered from other licensed businesses, apparently

by raising their fees to a point which would be in excess of the department's cost of providing the service.

In light of this analysis, the department recognizes that this proposed rule imposes a greater impact on small business compared to the impact on large business for radioactive materials licensees. Although we note that the 39 license fee categories are based on cost of service, type of use of radioactive materials, public health significance, and, by coincidence in some instances, the size of the business, we are, nevertheless, at present unable to provide a legal and feasible reduction in the fees.

READOPTED SECTION (Readopting Order 2283, filed 9/23/85)

WAC 440-44-050 RADIATION MACHINE FACILITY REGISTRATION FEES. The following biennial fees are required at the time of application or renewal. For any facility or group of facilities under one administrative control the maximum fee of three thousand dollars has been established.

(1) For veterinarians, podiatrists: A fifty dollar registration fee plus sixty dollars for the first tube plus twenty-five dollars for each additional tube.

(2) For hospitals, medical and chiropractic: A fifty dollar registration fee plus one hundred seventy-five dollars for the first tube plus fifty dollars for each additional tube.

(3) For industrial, research, and others: A fifty dollar registration fee plus one hundred dollars for the first tube plus fifty dollars for each additional tube.

(4) For dentists: A fifty dollar registration fee plus forty-five dollars for the first tube plus twenty dollars for each additional tube.

READOPTED SECTION (Readopting Order 2238, filed 6/7/85)

WAC 440-44-057 LICENSE FEES FOR RADIOACTIVE MATERIALS. (1) The fee for each radioactive materials license is the single highest fee category which describes activities subject to the conditions of the license. When multiple licenses are required by the department, each license is subject to the applicable license fee. Multiple licenses may be required by the department based upon physical separation of operations, organizational separations within a licensee's operation, or possession of special nuclear material.

(2) FEE CATEGORIES.

(a) For operation of a radioactive waste treatment facility: Annual fee of five thousand two hundred fifty dollars.

(b) For operation of a nuclear pharmacy: Annual fee of two thousand one hundred forty dollars.

(c) For operation of a mobile nuclear medicine program: Annual fee of two thousand one hundred thirty dollars.

(d) For operation of a nuclear laundry: Annual fee of four thousand dollars.

(e) For licenses authorizing one curie or more of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material: Annual fee of three thousand seven hundred ten dollars.

(f) For licenses authorizing manufacturing utilizing less than one curie of unsealed radioactive material or any quantity of previously sealed sources and distribution of products or devices containing radioactive material: Annual fee of one thousand three hundred twenty dollars.

(g) For licenses authorizing decontamination services: Annual fee of one thousand eight hundred ninety dollars.

(h) For licenses authorizing waste brokerage including the possession, temporary storage, and over-packing only of radioactive waste: Annual fee of one thousand two hundred twenty dollars.

(i) For licenses authorizing equipment servicing involving incidental use of calibration sources, for maintenance of equipment containing radioactive material, or possession of sealed sources for the purpose of sales demonstration only: Annual fee of five hundred sixty dollars.

(j) For licenses authorizing health physics services, leak testing, or calibration services: Annual fee of one thousand forty dollars.

(k) For civil defense licenses: Annual fee of six hundred fifty dollars.

(l) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than or equal to 1 curie: Annual fee of seven thousand nine hundred fifty dollars.

(m) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than 1 curie: Annual fee of three thousand five hundred seventy dollars.

(n) For licenses authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie: Annual fee of two thousand nine hundred fifty dollars.

(o) For medical licenses authorizing one or more of Groups II-VI, as defined in WAC 402-22-200 Schedule A:

(i) For licenses authorizing Group II and III (diagnostic nuclear medicine): Annual fee of one thousand four hundred sixty dollars.

(ii) For licenses authorizing Group IV and V (unlimited medical therapy): Annual fee of one thousand two hundred ten dollars.

(iii) For licenses authorizing Group II or III and Group IV or V: Annual fee of one thousand nine hundred ninety dollars.

(iv) For licenses authorizing Group VI (unlimited brachytherapy): Annual fee of one thousand forty dollars.

(p) For licenses authorizing brachytherapy or teletherapy: Annual fee of six hundred dollars.

(q) For licenses authorizing medical or veterinarian possession of greater than 200 millicuries total possession of radioactive material: Annual fee of nine hundred seventy dollars.

(r) For licenses authorizing medical or veterinarian possession of greater than 30 millicuries but less than or equal to 200 millicuries total possession of radioactive material: Annual fee of seven hundred eighty dollars.

(s) For licenses authorizing medical or veterinarian possession of less than or equal to 30 millicuries total possession of radioactive material: Annual fee of five hundred seventy dollars.

(t) For licenses authorizing Group I as defined in WAC 402-22-200 Schedule A or in vitro uses of radioactive materials: Annual fee of five hundred forty dollars.

(u) For licenses authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding: Annual fee of two hundred dollars.

(v) For licenses authorizing the use of radiographic exposure devices in a permanent radiographic facility (vault) only: Annual fee consisting of two thousand five hundred seventy dollars.

(w) For licenses authorizing the use of radiographic exposure devices at temporary job sites: Annual fee of three thousand eighty dollars.

(x) For licenses authorizing well-logging activities including the use of radioactive tracers: Annual fee of one thousand two hundred dollars.

(y) For licenses authorizing possession of unsealed sources in the following amounts:

(i) Greater than or equal to 1 millicurie of I-125 or I-131 or greater than or equal to 100 millicuries of H-3 or C-14 or greater than or equal to 10 millicuries of any single isotope: Annual fee of one thousand six hundred thirty dollars.

(ii) Greater than 0.1 millicurie but less than 1 millicurie of I-125 or I-131 or greater than 10 millicuries but less than 100 millicuries of H-3 or C-14 or greater than 1 millicurie but less than 10 millicuries of any other single isotope: Annual fee of seven hundred eighty dollars.

(iii) Less than or equal to 0.1 millicurie of I-125 or I-131 or less than or equal to 10 millicuries of H-3 or C-14 or less than or equal to 1 millicurie of any other single isotope: Annual fee of six hundred ten dollars.

(z) For licenses authorizing possession of portable sealed sources (such as moisture/density gauges but excluding radiographic exposure devices): Annual fee of three hundred ten dollars.

(aa) For licenses authorizing possession of any nonportable sealed source, including special nuclear material but excluding radioactive material used in a gas chromatograph: Annual fee of three hundred thirty dollars.

(bb) For licenses authorizing possession of gas chromatograph units containing radioactive material: Annual fee of two hundred thirty dollars.

(cc) For licenses authorizing possession of any self-shielded or pool type irradiator with sealed source greater than 100 curies: Annual fee of six hundred ten dollars.

(dd) For licenses authorizing possession of sealed sources for a walk-in type irradiator: Annual fee of nine hundred sixty dollars.

(ee) For licenses authorizing possession of greater than 1 gram of unsealed special nuclear material or greater than 500 kilograms of source material: Annual fee of two thousand nine hundred ten dollars.

(ff) For licenses authorizing possession of less than or equal to 1 gram of unsealed special nuclear material or less than or equal to 500 kilograms of source material: Annual fee of nine hundred forty dollars.

(gg) For in vitro registrants (requiring filing of form RHF-15): Annual fee of thirty dollars.

(hh) For depleted uranium registrants (requiring filing of form RHF-20): Annual fee of thirty dollars.

(ii) The actual cost of the service provided by the department to be paid in quarterly payments equal to the cost incurred by the department during the previous calendar quarter. This quarterly fee may not exceed forty thousand dollars in any calendar quarter and is intended to cover the full cost of regulatory services incurred by the department and its contractors including the department cost of determining and assuring compliance with the provisions of the State Environmental Policy Act.

(i) License application fee, as defined in chapter 402-70 WAC, not to exceed twenty-seven thousand dollars plus

(3) For reciprocal recognition of out-of-state licenses: Fee equal to one hundred percent of the fee that would be charged for an in-state license as described in subsection (2) of this section based upon the actual amount of radioactive material or type of devices requested to be brought into the state. Payment of fee authorizes possession and use in the state of Washington for up to one hundred eighty days of the twelve-month period following payment of the fee.

(4) It is the intent of the department to require all radioactive materials licensees who have not yet paid fees for their licenses to begin doing so on January 1, 1984. The following mechanism will be employed to accomplish this intent. A licensee who has not paid for a license shall remit by January 1, 1984, a prorated amount of the license fee for the period between January 1, 1984 and the annual anniversary of the expiration date of the license. Thereafter, thirty days prior to the annual anniversary date, each licensee shall remit the full annual fee for the license as specified in subsection (2) of this section. The annual anniversary is the month and day of the expiration date of the existing radioactive materials license.

WSR 86-04-026

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1877—Filed January 29, 1986]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to frozen dessert container sizes, chapter 16-654 WAC.

This action is taken pursuant to Notice No. WSR 86-01-074 filed with the code reviser on December 18, 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 19.94.420 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 28, 1986.

By Michael V. Schwisow
Deputy Director

PROPOSED CHANGES IN FROZEN DESSERT CONTAINER SIZES

NEW SECTION

✓ WAC 16-654-050 FROZEN DESSERTS: All frozen desserts as defined in WAC 16-144-010 shall be packaged for retail sale only in units of:

(1) Inch-Pound Volumes – one liquid pint, one liquid quart, one half gallon or one gallon. Packages larger than one gallon shall be sold in increments of one quart.

(2) Metric Volumes – 473 milliliters, 946 milliliters, 1.89 liters or 3.78 liters. Packages larger than 3.78 liters shall be sold in increments of 946 milliliters.

(3) Metric Volumes – 500 milliliters, 1 liter, 2 liters or 4 liters. Packages larger than 4 liters shall be sold in increments of one liter.

(4) Inch-Pound Weights – 4.5 pounds per gallon of ice cream, French custards and ice milk, and 6 pounds per gallon for sherbet and water ices.

(5) Metric Weight – 2.16 kilograms per 4 liters for ice cream, French custards and ice milk, 2.88 kilograms per 4 liters of sherbet and water ices.

NEW SECTION

✓ WAC 16-654-060 NOVELTY ITEMS: Frozen Desserts packaged for retail sales in less than one pint or 473 milliliter containers shall be considered "novelty items" and may be sold in any size package that is labeled in conformance with WAC 16-666.

WSR 86-04-027

ADOPTED RULES

DEPARTMENT OF AGRICULTURE

[Order 1878—Filed January 29, 1986]

I, C. Alan Pettibone, director of the Washington State Department of Agriculture, do promulgate and adopt at Olympia, Washington, the annexed rules relating to shell egg seal fees, WAC 16-108-010.

This action is taken pursuant to Notice No. WSR 86-01-075 filed with the code reviser on December 18, 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 69.25.250 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 28, 1986.

By Michael V. Schwisow
Deputy Director

AMENDATORY SECTION (Amending Order 1824, filed 5/11/84)

WAC 16-108-010 RATE. A fee of two and one half mills per dozen eggs is hereby established for Washington State egg seals and facsimile type Washington State egg seals imprinted on egg containers.

WSR 86-04-028
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF NATURAL RESOURCES
(Forest Fire Advisory Board)
 [Memorandum—January 29, 1986]

The next meeting of the Forest Fire Advisory Board has been scheduled for Thursday, March 6, 1986. It will begin at 9:00 a.m. in the DNR Forest Land Management Center Conference Room, Blomberg Road, Olympia.

WSR 86-04-029
PROPOSED RULES
DEPARTMENT OF AGRICULTURE
 [Filed January 29, 1986]

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 horticulture inspection fees, chapter 16-400 WAC;

that the agency will at 10:00 a.m., Tuesday, March 18, 1986, in the Grant County PUD Auditorium, 312 West 3rd, Moses Lake, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 2, 1986.

The authority under which these rules are proposed is chapter 15.17 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1986.

Dated: January 29, 1986
 By: J. Allen Stine
 Assistant Director

STATEMENT OF PURPOSE

Title: Chapter 16-400 WAC, Horticulture inspection fees.

Description of Purpose: To increase horticulture inspection fees in district three.

Statutory Authority: Chapter 15.17 RCW.

Summary of Rules: Increases fees on inspection of fresh fruits and vegetables. The increase is necessary to maintain the current level of service.

Agency Personnel to Contact: James R. Archer, Commodity Inspection Division, Department of Agriculture, 406 General Administration Building, AX-41, Olympia, Washington 98504, phone (206) 753-5054.

These rules are proposed by the Department of Agriculture.

Agency Comment: Fees on fresh product inspections in district three have not been increased since January 19, 1979. A request for fee increase was made in November 1984 but was deferred at the request of the vegetable industry. The Department of Agriculture will be unable to maintain the current level of service to the industry without a raise in fees.

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

Small Business Impact Statement: None.

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-010 GRADE AND CONDITION CERTIFICATES—FRUITS. Charges for grade and condition certificates for all fruits shall be:

(1) The minimum charge for all fruits shall be:

District one ((and three))	.....	\$6.00
District two	.....	\$7.00
District three	.....	\$8.00
District four	.....	\$8.00

(2) For all fresh market fruits of apples, pears, and soft fruit in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins, or in bags, per cwt. or fraction thereof:

	Districts			
	1 ((and-3))	2	3	4
Apples	8.75¢	10¢	11¢	11¢
Apricots	9.75¢	11¢	12¢	12¢
Cherries, nectarines and peaches	15¢	17.25¢	18.75¢	18.75¢
Pears	7.75¢	9.0¢	9.75¢	9.75¢
Plums, prunes, other soft fruits, grapes, and berries	11.66¢	13.4¢	14.60¢	14.60¢

(3) For all apples, pears, stone fruits, berries, and grapes in bulk or in containers for processing, or for quality and/or size determination, charges shall be two dollars per ton net weight or fraction thereof.

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-040 GRADE AND CONDITION CERTIFICATES—VEGETABLES. Charges for grade and condition certificates for all vegetables shall be:

(1) The minimum charge for all vegetables shall be:

District(s) one ((and three))	.....	\$6.00
District two	.....	\$7.00
District three	.....	\$8.00
District four	.....	\$8.00

(2) Charges for grade and condition certificates for fresh market vegetables in containers—wrapped, place pack, face and fill, in bags, master containers, consumer packages, or loose in bulk cartons, boxes, crates, bins or in bags per cwt. or fraction thereof:

	Districts			
	1 ((and-3))	2	3	4
Asparagus	11.66¢	13.4¢	14.6¢	14.6¢
Cantaloupes, and Corn	10¢	11.5¢	12¢	12¢
Onions	5¢	5.75¢	6¢	6¢
Potatoes, and Seed Potatoes	4¢	4.6¢	5¢	5¢
Processing Potatoes	4¢	4.6¢	4¢	5¢
Complete inspection (rate shall be reduced for level of service required)				
Tomatoes	12.5¢	14.4¢	15¢	15¢

(3) Inspection fees for cabbage, carrots, cauliflower, celery, cucumbers, lettuce, rhubarb, rutabagas, squash, watermelons, etc., shall be at the hourly rate as follows:

District((s)) one (and three)	\$12.00
District two	\$14.00
District three	\$18.00
District four	\$16.00

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-050 GRADE AND CONDITION CERTIFICATES—DEFENSE SUBSISTENCE SUPPLY CENTER OR OTHER FEDERAL AGENCIES. Inspection fees are as follows:

(1) For Canadian export inspections only where specific charges are not established by WAC 16-400-010 and 16-400-040.

1 - 50 packages	\$ 8.00
51 - 150 packages	\$12.00
151 - 400 packages	\$24.00
401 - customary car lot	\$45.00

(2) Terminal wholesale market inspections (domestic) in Tacoma, Seattle, Spokane, or other major locations per hour ~~(\$12.00)~~ \$18.00

((3) State institution inspections per hour	\$12.00
Minimum fee	\$ 6.00

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-100 CERTIFICATES. Certificate charges shall be in accordance with the following provisions:

(1) Consolidation certificates shall be charged as specified in WAC 16-400-010 and 16-400-040 and shall have an additional charge of three dollars for each additional local lot.

(2) Condition certificate charges shall be two-thirds of the grade and condition certificates with the following exceptions:

(a) Previously inspected lots shall have a minimum charge of:

District((s)) one (and three)	\$6.00
District two	\$7.00
District three	\$8.00
District four	\$8.00

(b) When the lot has had no prior inspection for quality or grade and it is requested that the certificate carry out-bound car, truck, or state lot number, the grade and condition certificate schedule shall apply.

(c) Out-of-state products reported on state certificates shall be charged on the applicable grade and condition certificate schedule, except there shall be an hourly charge of:

District one (and three)	\$12.00
District two	\$14.00
District three	\$18.00
District four	\$16.00

(3) Car hook-up, loading or unloading certificate shall be charged at the rates specified in ~~(WAC 16-400-100)~~ subsection (2)(a) of this section.

(4) Sanitary and quarantine certificate charges for fruits and vegetables shall be:

(a) Four dollars for the issuance of a certificate, plus the hourly rates specified in WAC 16-400-210 (1)(a) when the shipment is not covered by federal-state certificates.

(b) Four dollars per set when the shipment is covered by federal-state certificates.

(5) Container weight, or chckloading certificates shall be charged at the rates specified in WAC 16-400-210 (1)(a).

AMENDATORY SECTION (Amending Order 1845, filed 12/31/84, effective 2/1/85)

WAC 16-400-210 OTHER CHARGES. Other miscellaneous charges are listed below:

(1) Charges for platform inspection shall be:

(a) Platform inspections, time taking samples, extra time, FV-294 inspection, and all other services, shall be charged at the hourly rate of:

District((s)) one (and three)	\$12.00
District two	\$14.00
District three	\$18.00
District four	\$16.00

(b) Time allowance - Where a platform inspector is working full time at one house and also doing certification inspection, the inspector shall allow credit for the time according to limits outlined in the schedule for such certification at the hourly rate of:

District((s)) one (and three)	\$12.00
District two	\$14.00
District three	\$18.00
District four	\$16.00

Should the certificate charges divided by the respective hourly rates equal or exceed the number of hours worked, no platform charge shall be assessed. Should the certificate charges divided by the respective hourly rates be less than the number of hours worked, the platform charge shall be made to bring the total to the appropriate charge.

(2) Fumigation charges - The minimum charge for supervision of fumigation shall be eighteen dollars for the first one and one-half hours. Time over the first one and one-half hours or unnecessary stand-by time shall be charged as specified in ~~(WAC 16-400-210)~~ subsection (1)(a) of this section. No fumigations shall be started after 3:00 p.m. from October 1 to May 31, nor after 10:00 p.m. from June 1 to September 30.

(3) Field or orchard inspections made at the applicant's request for determination of presence or absence of disease or insect infestation, or for other reason, shall be at the rate of two dollars per acre or fraction thereof.

(4) Seed sampling fees shall be arranged with the chemical and plant services division for services performed.

(5) Extra charges on services provided shall be assessed according to provisions listed below.

(a) The minimum inspection charge for each commodity and requested form shall be at the rate specified in ~~(WAC 16-400-210)~~ subsection (1)(a) of this section.

(b) If, through no fault of the inspection service, time over the maximum allowance as supported by unit rates for each commodity and requested form is required, such excess time shall be at the rate as specified in ~~(WAC 16-400-210)~~ subsection (1)(a) of this section.

(c) For all inspection services performed beyond a regularly scheduled eight-hour week day shift or on Saturdays, or Sundays, or state legal holidays, an hourly charge shall be made equivalent to the following:

District((s)) one (and three)	\$18.00
District two	\$20.00
District three	\$24.00
District four	\$22.00

These charges shall be made for actual hours spent in performance of duties. This shall include unit charges, plus, if necessary, overtime charges to equal the respective overtime hourly rates.

The following are state legal holidays (~~will be observed~~): New Year's Day, Veteran's Day, Memorial Day (the last Monday of May), Independence Day, Labor Day (the first Monday in September), Thanksgiving Day (the fourth Thursday in November) and the day following Thanksgiving Day, Christmas Day, ~~(Lincoln's Birthday)~~ Martin Luther King, Jr. Day (third Monday in January), and ~~(Washington's Birthday)~~ Presidents' Day (third Monday in February). NO SERVICE will be performed on Thanksgiving Day, Christmas Day or New Year's Day, beginning at 5:00 p.m. on previous day.

(d) When the per unit charge for inspection in any one day equals or exceeds the basic hourly and/or overtime charge, no additional hourly or overtime charges shall be assessed.

(6) Mileage—Whenever necessary, mileage shall be charged at the rate established by the state office of financial management.

WSR 86-04-030
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2337—Filed January 29, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to foster care, amending chapter 388-70 WAC.

This action is taken pursuant to Notice No. WSR 86-01-006 filed with the code reviser on December 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 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 January 29, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1849, filed 7/30/82)

✓WAC 388-70-013 AUTHORIZATION FOR FOSTER CARE PLACEMENT. A child may be placed in foster care only under the following circumstances:

(1) The child has been placed in temporary residential care after having been taken into custody pursuant to chapter 13.32A RCW, Runaway Youth Act. A child shall in no event remain in temporary residential care for more than seventy-two hours from the time of initial contact with the law enforcement officer, except as otherwise provided in this section.

(2) A petition, by child, (~~(parent(s))~~) parent or parents, or the department requesting alternative residential placement for the child has been filed pursuant to RCW 13.32A.120 or 13.32A.140, or approved pursuant to RCW 13.32A.170, or upon a child having been admitted directly by RCW 13.32A.090.

(3) A child has been placed in shelter care as provided in the following:

(a) The child has been taken into custody(;) and placed in shelter care when there is probable cause to believe, pursuant to RCW 26.44.050, that the child is abused or neglected and the child would be injured or could not be taken into custody as provided in RCW 13.34.050.

(b) A petition has been filed with the juvenile court alleging the child is dependent; that the child's health, safety, and welfare will be seriously endangered if not taken into custody and the juvenile court enters an order placing the child in shelter care. See RCW 13.34.050 and 13.34.060.

(c) No child shall be held longer than seventy-two hours, excluding Sundays and holidays, after such child is taken into custody, unless a court order has been entered for continued shelter care.

(d) No child shall be detained for longer than thirty days without a court order, authorizing continued shelter care.

(4) A juvenile court has determined a child is dependent and the court's order of disposition issued pursuant to RCW 13.34.130 removes the child from his or her home.

(5) A juvenile court has terminated the parent and child relationship pursuant to chapter 13.34 RCW(;) and placed the custody of the child with the department or a licensed child placing agency.

(6) The child and his or her (~~(parent(s))~~) parent or parents agree to the arrangement and/or continuation of alternative residential placement pursuant to RCW 74.13.031, as evidenced by a written consent to placement subject to limitations in subsection (8) of this section.

(7) If a child is to be placed in group care, such placement shall only be made when the department has assessed the child's and family's needs and determined (~~(that)~~) group care is the most appropriate placement option.

(a) The department will only provide financial support for a child's group care placement when the placement is in a licensed group care facility, and

(b) The department has custody of the child(;) and the authority to remove the child in a cooperative manner after at least seventy-two hours notice to the child care provider; such notice may be waived in emergency situations.

(8) The child's (~~(parent(s))~~) parent or parents or legal (~~(guardian(s))~~) guardian or guardians has voluntarily requested, on forms prescribed by the department, the placement of the child by the department or a licensed child placement agency into foster care and the department concurs (~~(that)~~) such placement is currently necessary, provided that the maximum time period for the voluntary placement shall be three months. The placement may be extended if an exception to policy is approved per WAC 388-20-010. Such requests shall comply with foster care placement criteria as developed by the department.

AMENDATORY SECTION (Amending Order 2242, filed 6/18/85)

✓WAC 388-70-042 PAYMENT STANDARDS—REGULAR FOSTER FAMILY CARE. (~~(Effective July 1, 1984.)~~) Foster care payment standards shall be as follows. Effective May 1, 1985, exceptions to the standards may be approved by a DCFS administrator or designee.

(1) The board payment for foster care of a child in a family foster home is one hundred thirty-four dollars and (~~(forty-four))~~ thirty-five cents per month for a child less than six years of age, one hundred (~~(sixty-nine))~~ seventy-four dollars and (~~(forty-five))~~ fifty-three cents per month for children six through eleven years of age, and two hundred (~~(three))~~ nine dollars and (~~(fifty-seven))~~ sixty-eight cents per month for a child twelve and

over. For the purposes of determining the payment for board, the child's birthdate is considered to be the first of the month in which his or her birthday occurs.

(2) Foster parents shall be provided ~~((eighteen))~~ twenty-eight dollars and ~~((sixty-seven))~~ sixty-five cents per month for personal incidentals including school supplies for children less than age six; thirty-one dollars and seventeen cents for children age six through eleven years; and thirty-three dollars and forty-five cents for a child twelve and over. A monthly clothing allowance of twenty-one dollars ~~((and thirty-eight cents))~~ is paid for children under twelve years, while twenty-four dollars and ~~((twenty-three))~~ ninety-five cents is paid for children twelve years and older.

(3) An initial clothing allowance for children placed in foster care is provided to supplement a child's clothing supply, where necessary, at the time a child is placed in foster care. This allowance may not exceed one hundred dollars unless otherwise authorized by a DCFS administrator.

(4) Additional individual child-specific amounts may be authorized by a DCFS administrator or his or her designee.

AMENDATORY SECTION (Amending Order 2242, filed 6/18/85)

✓WAC 388-70-044 PAYMENT STANDARDS—RECEIVING HOME CARE—STANDARDS FOR USING. (1) The purpose and/or use of a receiving home is to allow the department or private agency to care for a child in a foster family home on a temporary, emergent, or interim basis in order that there be sufficient time for the development of a plan including the involvement of the child whenever possible.

(2) There are two types of receiving homes:

(a) Regular receiving homes for children age zero through seventeen, and

(b) Specialized receiving homes for children age twelve through seventeen who are runaways or in conflict with their parents.

(3) Receiving homes supported by the department shall be limited to the number the DCFS administrator determines necessary in his or her geographical area. The criteria to be followed are:

(a) Each DCFS office or private agency shall document need for a receiving home and present the request in writing, giving the specifics, to the DCFS administrator.

(b) All receiving homes shall be licensed as foster family homes.

(c) The need for a receiving home or homes must carry a direct relationship to the department's or private agency's type of program and service responsibilities.

(d) The intent of the service is to allow the department or private agency to develop and carry out a suitable plan for the child.

(4) Length of stay guidelines for receiving homes are as follows:

(a) Regular receiving homes provide care up to thirty days;

(b) Specialized receiving homes provide care up to fifteen days.

(5) Every six months the DCFS administrator shall receive a written report on each receiving home, resubstantiating continued use and need.

(6) Foster family homes regularly providing care for children on a temporary, emergent, or interim basis and are available for placement twenty-four hours per day shall be designated as regular or specialized receiving homes.

(a) Regular receiving homes shall be paid ~~((thirty-two))~~ thirty-three dollars and ~~((thirty-five))~~ thirty-two cents per month for each bed available for the emergency placement of children. In addition, the daily rate for receiving home care shall be ~~((eleven))~~ twelve dollars and ~~((thirty-four))~~ twenty cents per day per child.

(b) Specialized receiving homes shall be paid ~~((sixty-five))~~ sixty-seven dollars and ~~((twenty-one))~~ seventeen cents per month for each bed available for the emergency placement of children. In addition, the daily rate for specialized receiving home care shall be ~~((fifteen))~~ sixteen dollars and ~~((sixty-seven))~~ sixty-six cents per day per child.

(7) Other foster homes occasionally providing temporary, emergent, or interim care shall not be designated as receiving homes nor receive the retainer fee, but shall be reimbursed for such care at the receiving home rate of ~~((eleven))~~ twelve dollars and ~~((thirty-four))~~ twenty cents per day per child.

(c) Payments in excess of the standards in subsection (6)(a) and (b) of this section may be authorized by the DCFS administrator or his or her designee for individual, child-specific situations.

(8) Temporary or emergency care for a child shall not exceed thirty days. After thirty days, the rate for children remaining in care in a receiving home shall be that for regular full-time foster care except as authorized by the DCFS administrator. Clothing and personal incidentals are purchased for the child in receiving home care as needed.

(9) Private group care facilities may, at the discretion of the DCFS administrator, be utilized to provide interim care for children and youths requiring care in a group setting. Unless an alternate agreement is made, contracted group care facilities shall be paid for providing interim care at their established daily rate.

AMENDATORY SECTION (Amending Order 2242, filed 6/18/85)

✓WAC 388-70-048 PAYMENT STANDARDS—SPECIALIZED RATE FOSTER FAMILY CARE—CHILD WITH SPECIAL NEEDS. In addition to the basic rate for regular foster family home care specified in this chapter, an additional amount may be paid for the specialized care of a child with special needs as determined by the department. The additional amounts are:

- (1) Children with ~~((behavior))~~ behavioral/emotional problems \$ ~~((+36.53))~~ 140.63 per month

- (2) Intellectually/physically handicapped children \$ ~~((+36.53))~~ 140.63 per month
- ~~((3)) Emotionally handicapped children \$ +36.53 per month))~~

WSR 86-04-031
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2338—Filed January 29, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to childbirth centers, amending chapter 248-29 WAC.

This action is taken pursuant to Notice No. WSR 86-01-035 filed with the code reviser on December 12, 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 18.46.060 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 18.46 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 January 29, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

✓ WAC 248-29-001 PURPOSE. Regulations relating to childbirth centers are hereby adopted pursuant to chapter 18.46 RCW. The purpose of these regulations is to provide health and safety standards for the organization, maintenance, and operation of childbirth centers and to set forth procedures for the issuance, denial, suspension, and/or revocation of licenses for facilities maintained and operated to provide birth services: PROVIDED, That birth takes place within the birth center.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

✓ WAC 248-29-010 DEFINITIONS. (1) "Administration of drugs" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container((f)), including a unit dose container((t)), verifying it with the

orders of a practitioner who is legally authorized to prescribe, giving the individual dose to the proper client and properly recording the time and dose given.

(2) "Authenticated or authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(3) "Bathing facility" means a bathtub or shower.

(4) "Birth center or childbirth center" means a type of maternity home which is a house, building, or equivalent(;) organized to provide facilities and staff to support a birth service, provided that the birth service ~~((includes or))~~ is limited to low-risk maternal clients during the intrapartum period.

(5) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support ~~((person(s)))~~ person or persons during the process of vaginal childbirth, (the three stages of labor and recovery of a woman and newborn).

(6) "Birth service" means the prenatal, intrapartum, and postpartum care provided for individuals with uncomplicated pregnancy, labor, and vaginal birth, to include the newborn care during ~~((the recovery period))~~ transition and stabilization.

(7) ~~(("Board" means the Washington state board of health.~~

~~((8)))~~ "Client" means a woman, fetus, and ~~((or))~~ newborn receiving care and services provided by a birth center during pregnancy and ~~((or))~~ childbirth and recovery.

~~((9)))~~ (8) "Clinical staff" means physicians and midwives appointed by the governing body ~~((authority))~~ to practice within the birth center and governed by rules approved by the governing body.

~~((10)))~~ (9) "Department" means the Washington state department of social and health services.

~~((11)))~~ (10) "Governing body" means the ~~((individual or group which is legally))~~ person or persons responsible for establishing and approving the ((operation and maintenance)) purposes and policies of the childbirth center.

~~((12)))~~ (11) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator or suffering from any other condition which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this definition does not include hotels, or similar places furnishing only food and lodging, or simply, domiciliary care; nor does it include clinics, physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which comes under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come under the scope of chapter 71.12 RCW; nor any other hospital or institution specifically intended for use and the diagnosis and care of those suffering from mental illness, ~~((metat))~~

mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this definition shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with creed or tenets of any well-recognized church or religious denomination.

~~((13))~~ (12) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

~~((14))~~ (13) "Low-risk maternal client" means an individual who:

(a) Is in general good health with uncomplicated prenatal course~~(:)~~ and participating in ongoing prenatal care;

(b) Is participating in an appropriate childbirth and infant care education program;

(c) Has no major medical problems;

(d) Has no previous ~~((significant))~~ major uterine wall surgery, caesarean section, or obstetrical complications likely to recur~~((, nor previous uterine wall surgery or Caesarean section));~~

(e) Has parity under six unless a justification for a variation is documented by clinical staff;

(f) Is not a nullipara of greater than ~~((thirty-six))~~ thirty-eight years of age unless a justification for a variation is documented by clinical staff;

(g) Is not less than sixteen years of age unless a justification for variation for ages fourteen through fifteen only is documented by clinical staff;

(h) Has no significant signs or symptoms of pregnancy-induced hypertension, ((toxemia, hydramnios)) polyhydramnios or oligohydramnios, abruptio placenta, chorioamnionitis, ((malformed fetus,)) multiple gestation, intrauterine growth retardation, ((fetal)) meconium stained amniotic fluid, fetal ((distress)) complications, ((alcoholism or drug addiction)) or substance abuse;

(i) ~~((While in active labor,))~~ Demonstrates no significant signs or symptoms of anemia, active herpes genitalis, ((significant)) pregnancy-induced hypertension, placenta praevia, malpositioned fetus, or breech while in active labor;

(j) Is in labor, progressing normally;

(k) Is without prolonged ruptured membranes;

(l) Is not in ~~((premature))~~ preterm labor nor ~~((postmature))~~ postterm gestation;

(m) Is appropriate for a setting where ~~((anesthesia is limited to local infiltration of the perineum, or a pudendal block, and))~~ analgesia is limited; and

(n) Is appropriate for a setting where anesthesia is used in limited amounts and limited to local infiltration of the perineum or pudendal block.

~~((15))~~ (14) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women not related by blood or marriage to the operator during pregnancy or during or within ten days after delivery: **PROVIDED**~~(:)~~ **HOWEVER**, That this chapter shall not apply to any hospital licensed under chapter 70.41 RCW, "hospital licensing ~~((rules))~~ and regulation~~((s)).~~"

~~((16))~~ (15) "Midwife" means an individual recognized by the Washington state board of nursing as a certified nurse midwife as provided in chapter 18.88 RCW, chapter 308-120 WAC ~~((308-120-310)),~~ or an individual possessing a valid, current license to practice midwifery in the state of Washington as provided in chapter 18.50 RCW.

~~((17))~~ (16) "New construction" means any of the following ~~((started after promulgation of these rules and regulations))~~:

(a) New buildings to be used as a birth center;

(b) ~~((Addition(s)))~~ Addition or additions to an existing ~~((building(s)))~~ building or buildings to be used as a ~~((birth))~~ childbirth center;

(c) ~~((Alteration(s)))~~ Conversion of existing buildings or portions thereof for use as a childbirth center;

(d) Alterations or ~~((modification(s)))~~ modifications other than minor alterations ~~((to a birth center or to a building or place that is intending to be licensed as a birth center)).~~

"Minor alterations" means any structural or ~~((functional))~~ physical modification within an existing birth center which does not change the approved use of a room or an area. Minor alterations performed under this definition do not require prior ~~((approval))~~ review of the department; however, this does not constitute a release from other applicable requirements.

~~((18))~~ (17) "Personnel" means ~~((individual(s)))~~ individuals employed by the birth center.

~~((19))~~ (18) "Physician" means ~~((a doctor of medicine or a doctor of osteopathy duly))~~ an individual licensed ~~((in the state of Washington))~~ under provisions of chapter 18.71 RCW, "physicians," or chapter 18.57 RCW, "osteopathy—osteopathic medicine and surgery."

~~((20))~~ (19) "Registered nurse" means ~~((a person))~~ an individual licensed under the provision of ~~((the law regulating the practice of registered nursing in the state of Washington,))~~ chapter 18.88 RCW, "registered nurses," who is practicing in accordance with the rules and regulations promulgated thereunder.

~~((21))~~ (20) "Recovery" means that period or duration of time starting at birth and ending with discharge of a client from the birth center or the period of time between the birth and the time a client leaves the premises of the birth center.

~~((22))~~ (21) "Shall" means compliance is mandatory.

~~((23))~~ (22) "Should" means a suggestion or recommendation, but not a requirement.

~~((24))~~ (23) "Support person" means the ~~((individual(s)))~~ individual or individuals selected or chosen by a maternal client to provide emotional support and to assist her during the process of labor and childbirth.

~~((25))~~ (24) "Toilet" means a room containing at least one water closet.

~~((26))~~ (25) "Volunteer" means an individual who is an unpaid worker in the birth center, other than a support person.

~~((27))~~ (26) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 255, filed 3/10/83)

✓ WAC 248-29-020 LICENSURE. (1) Application for license—Fee.

(a) An application for a childbirth center license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer and director of the corporation, if the birth center is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the birth center is operated through a legal partnership.

(c) Each application for license shall be accompanied by a license fee as established by the department under RCW 43.20A.055: PROVIDED, That no fee shall be required of charitable or nonprofit or government-operated birth centers. Upon receipt of the license fee, when required, the department shall issue a childbirth center license(;) if the applicant and the birth center facilities meet the requirements of this chapter.

(2) License renewal—Limitations—Display.

(a) A license, unless suspended or revoked, shall be renewed annually.

(i) Applications for renewal shall be on forms provided by the department and shall be filed ~~((by))~~ with the department not less than ten days prior to expiration.

(ii) Each application for renewal shall be accompanied by a license fee as established by the department under RCW 43.20A.055.

(iii) The department shall inspect and investigate each childbirth center as needed and at least annually to determine compliance with standards herein (chapter 248-29 WAC) and applicable standards of chapter 18.46 RCW.

(b) Each license shall be issued only for the premises and persons named. Licenses shall be transferrable or assignable only with written approval by the department.

(c) Licenses shall be posted in a conspicuous place(;) on the licensed premises.

(3) License—Denial, suspension, revocation. The department may, if the interests of the clients so demand, deny, suspend, or revoke a license when there has been failure or refusal to comply with the requirements established in chapter 248-29 WAC or applicable sections of chapter 18.46 RCW, in accordance with RCW 18.46.050 and chapter ~~((248-08 WAC))~~ 34.04 RCW.

(4) New construction—Major alterations.

(a) When new construction or major alteration is contemplated, the following shall be submitted to the department for review:

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

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, water, and sewage disposal systems, grade

and location of ~~((building(s)))~~ the building or buildings on the site; the plans for each floor of ~~((the building(s)))~~ each building, existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

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

(i) Plot plans;

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

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

(iv) Schedule of floors, wall, and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating, ventilation, and electrical systems; and

(v) Specifications which fully describe workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near an occupied area.

(d) Construction shall take place in accordance with approved final plans and specifications. Only those changes which have been approved by the department may be incorporated into the construction project. Modified plans, additions, or changes incorporated into the construction project shall be submitted to the department for the department file on the project.

(5) Compliance with other regulations.

(a) Applicable rules and regulations adopted by the Washington state fire marshal.

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

(c) Compliance with these regulations does not exempt birth centers from compliance with the local and state electrical codes or local fire, zoning, building, and plumbing codes.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

✓ WAC 248-29-030 GOVERNING BODY AND ADMINISTRATION. (1) The birth center shall have a governing body ~~((which is responsible for overall operation and maintenance of the center)).~~

(2) The governing body shall be responsible for provision of personnel, facilities, equipment, supplies, and special services needed to meet the needs of the clients.

(3) The governing body shall adopt policies for the care of clients within or on the premises of the birth center.

(4) The governing body shall appoint an administrator or director who shall be responsible for implementing the policies adopted by the governing body.

(5) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority, and relationship of positions within the birth center.

(6) The governing body shall have the authority and responsibility for appointments and reappointments of clinical staff and ensure that only members of the clinical staff shall admit clients to the birth center.

(a) Each birth center shall have designated physician participation in clinical services and in the quality assurance program.

(b) Each birth center shall have a written policy and program which shall stipulate the extent of physician participation in the services offered.

(c) Each physician and midwife appointed to the clinical staff shall provide evidence of current licensure in the state of Washington.

(d) The clinical staff shall develop and adopt bylaws, rules, and regulations subject to the approval of the governing body(;) which shall include requirements for clinical staff membership; delineation of clinical privileges and the organization of clinical staff.

(7) The governing body shall be responsible for ~~((documenting and implementing a program))~~ a quality assurance audit on a regular basis to review ((the care of patients within the center)) cases, minimally to include ongoing compliance with rules in chapter 248-29 WAC.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

✓ WAC 248-29-040 PERSONNEL, CLINICAL STAFF, AND VOLUNTEERS WHO WORK DIRECTLY WITH ((PATIENTS)) CLIENTS. (1) There shall be sufficient, qualified personnel and clinical staff to provide the services needed by ~~((client(s)))~~ clients and for safe maintenance and operation of the birth center.

(2) A physician ~~((certified by the American Board of Obstetrics and Gynecology or a physician who is otherwise))~~ qualified((, authorized)) by training and ~~((recognized by peers))~~ experience in ((the)) obstetrics and gynecology with admitting privileges to a community ((as an experienced, competent practitioner in obstetrics and gynecology)) hospital shall be immediately available by phone twenty-four hours a day. ~~((A written agreement is recommended.))~~

(3) Appropriate personnel and clinical staff of the birth center shall be trained in infant and adult resuscitation. Clinical staff or personnel who have demonstrated and documented ability to perform ~~((neonatal))~~ infant and adult resuscitation procedures shall be present during each birth.

(4) A physician or midwife shall be present at each birth. A second person(;) who is an employee or member of the clinical staff with resuscitation skills shall be immediately available during each birth.

(5) Appropriate, qualified personnel and/or clinical staff shall be present in the birth center at all times when clients are present.

AMENDATORY SECTION (Amending Order 256, filed 3/10/83)

✓ WAC 248-29-050 BIRTH CENTER POLICIES AND PROCEDURES. Written policies and procedures shall include, but not be limited to:

(1) Definition of a low-risk maternal client who shall be eligible for birth services offered by the birth center.

(2) Definition of a client who shall be ineligible for birth services at the birth center.

(3) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(4) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(5) Written plans for consultation, backup services, transfer and transport of a newborn and ~~((/or))~~ maternal client to a hospital where appropriate care is available.

(6) Written informed consent which shall be obtained prior to the onset of labor and shall include evidence of an explanation by personnel of the birth services offered and potential risks.

(7) Provision for the education of clients, family, and support persons in childbirth and newborn care.

(8) Plans for immediate and long-term follow-up of clients after discharge from the birth center.

(9) Registration of birth and reporting of complications and anomalies, including sentinel birth defect reporting pursuant to RCW 70.58.320 and chapter 248-164 WAC, as now or as hereafter amended.

(10) Prophylactic treatment of the eyes of the newborn in accordance with RCW 70.24.040, WAC 248-100-295 as now, or as hereafter, amended.

(11) Metabolic screening of newborns.

(a) Educational materials shall be provided to each client relative to metabolic screening and informed consent for metabolic screening. These materials shall be obtained from the genetics program of the department.

(b) There shall be a mechanism for weekly reporting of all live births to the genetics program of the department on forms provided by the genetics program.

(c) The birth center shall provide each client with instructions and a metabolic screening collection kit, ~~((f))~~ obtained from the genetics program of the department(;)). There shall be a procedure and/or evidence of a plan for follow-up so that blood samples are collected between the ~~((eighth))~~ seventh and ~~((twelfth))~~ tenth day of life.

(d) When parents refuse metabolic screening, there shall be provisions for a signed refusal statement which shall be sent to the genetics program of the department in lieu of the blood sample.

(12) Infection control to include consideration of housekeeping; cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel. Health records for personnel shall be kept in the facility and include documented evidence of a tuberculin skin test by the Mantoux method upon employment ~~((and annually unless medically contraindicated)).~~ A copy of the health record shall be given to each employee upon termination of employment. A ((negative)) non-significant skin test ((shall consist of)) is defined as less

than 10mm induration read at forty-eight to seventy-two hours. A ~~((positive))~~ significant skin test ~~((shall consist of))~~ is defined as 10mm of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(a) New employees who can document a positive Mantoux test in the past shall ~~((have an initial screening in the form of a chest x-ray))~~ be excluded from screening;

~~(b) ((After entry, annual screening in the form of a skin test or chest x-ray shall not be required for reactors;~~

~~(c))~~ Those with positive skin tests ~~((who have completed))~~ and abnormal chest x-ray for tuberculosis shall complete the recommended course of preventive or curative treatment, as determined by the local health officer ~~((; shall be exempted from testing));~~

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

~~(e))~~ (c) Employees with any communicable disease in an infectious stage shall not be on duty.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

WAC 248-29-060 BIRTH CENTER EQUIPMENT AND SUPPLIES. (1) There shall be adequate and appropriate size and type equipment and supplies maintained for the maternal client and the newborn to include:

(a) A bed suitable for labor, birth, and recovery;

(b) Separate oxygen with flow meters and masks or equivalent;

(c) Mechanical suction and bulb suction (immediately available);

(d) Resuscitation equipment to include resuscitation bags and oral airways~~((;))~~. Additionally, newborn equipment shall include appropriate laryngoscopes and endotracheal tubes ~~((appropriate for the newborn));~~

(e) Firm surfaces suitable for resuscitation;

~~(f) ((Emergency medications and intravenous fluids with supplies and equipment appropriate for administration;~~

~~(g))~~ Fetal monitoring equipment, minimally to include a fetoscope or electronic monitor;

~~((h))~~ (g) Equipment for monitoring and maintaining the optimum body temperature of the newborn. A radiant heat source appropriate for use in warming newborns shall be available. An appropriate newborn incubator should be available;

(i) A clock with a sweep second hand;

(j) Sterile suturing equipment and supplies;

(k) Adjustable examination light;

(l) Containers for soiled linen and waste materials which shall be closed or covered.

(2) There shall be a telephone~~((;))~~ or equivalent communication device.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

WAC 248-29-070 RECORDS. (1) The birth center shall have a defined client record system, policies and procedures which provide for identification, security, confidentiality, control, retrieval, and preservation of client care data and information.

(2) There shall be a health record maintained for each maternal and newborn client to include:

(a) Adequate notes describing the newborn and maternal status during prenatal, labor, birth, and recovery.

(b) Documentation that metabolic screening instructions and specimen collection kits were provided or that the specimen was obtained and forwarded to the genetics program of the department.

(c) Documentation and authentication by clinical staff and birth center personnel who administer drugs and treatments or make observations and assessments.

(3) Entries in the client record shall be typewritten or written legibly in ink.

(4) Documentation and record keeping shall include:

(a) Completion of a birth certificate and, if applicable, a sentinel birth defect report.

(b) Documentation of orders for medical treatment and/or medication.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

WAC 248-29-080 PHARMACEUTICALS. (1) There shall be written prescriptions or orders signed by a practitioner legally authorized to prescribe for all drugs administered to clients within the birth center.

(2) There shall be policies and procedures addressing the receiving, transcribing, and implementing of orders for administration of drugs.

(3) Written policies shall be established addressing the type~~((;))~~ and intended use of any drug to be used by patients within the facility.

(4) Anesthetic agents other than local anesthetics and pudendal blocks shall not be used.

(5) Drugs shall be administered by personnel or clinical staff licensed to administer drugs.

(6) Drugs~~((; medications, and chemicals))~~ kept anywhere in the center shall be clearly labeled with drug name, strength, and expiration date.

(7) Drugs~~((; chemicals, and medications))~~ shall be stored and secured in specifically designated cabinets, closets, drawers, or storerooms and made accessible only to authorized persons.

(8) Poisonous chemicals, caustic materials, or drugs shall show appropriate warning or poison labels and shall be stored separately from other drugs. Drugs for external use shall be separated from drugs for internal use.

(9) If emergency drugs and intravenous fluids are maintained in the facility, these are considered an extension of the drug supply owned by the legally authorized prescribing practitioner; these drugs remain the responsibility of the legally authorized prescribing practitioner.

AMENDATORY SECTION (Amending Order 197, filed 5/2/80)

✓ WAC 248-29-090 BIRTH CENTER—PHYSICAL ENVIRONMENT. (1) The birth center shall be maintained to provide a safe and clean environment.

(2) At least one birthing room shall be maintained which is adequate and appropriate to provide for the equipment, staff, supplies, and emergency procedures required for the physical and emotional care of a maternal client, her support (~~(person(s))~~) person or persons, and the newborn during birth, labor, and the recovery period.

(a) Birthing rooms built, modified, or altered after July 31, 1980, shall have a gross floor space of ~~((+56))~~ one hundred fifty-six square feet or ~~((+4.5))~~ fourteen and one-half square meters and a minimum room dimension of ~~((+))~~ eleven feet.

(b) Birthing rooms shall be located to provide unimpeded, rapid access to an exit of the building which will accommodate emergency transportation vehicles.

(3) Adequate fixed or portable work surface areas shall be maintained for use in the birthing (~~(room(s))~~) room or rooms.

(4) Toilet and bathing facilities.

(a) A toilet and lavatory shall be maintained in the vicinity of the birthing room or rooms.

(b) A bathing facility should be available for client use.

(c) All floor surfaces, wall surfaces, water closets, lavatories, tubs, and showers shall be kept clean and in good repair.

(5) There shall be provisions and facilities for secure storage of personal belongings and valuables of clients.

(6) There shall be provisions for visual privacy for each maternal client and her support (~~(person(s))~~) person or persons.

(7) Hallways and doors providing access and entry into the birth center and birthing (~~(room(s))~~) room or rooms shall be of adequate width and conformation to accommodate maneuvering of ambulance stretchers and wheelchairs.

(8) Water supply. There shall be an adequate supply of hot and cold running water under pressure for human consumption and other purposes which shall comply with chapter 248-54 WAC (~~((248-54-701 and 248-54-740))~~), rules and regulations of the Washington state board of health regarding public water supplies.

(9) Heating and ventilation.

(a) A safe and adequate source of heat capable of maintaining a room temperature of at least ~~((72))~~ seventy-two degrees Fahrenheit shall be provided and maintained.

(b) Ventilation shall be sufficient to remove objectionable odors, excessive heat, and condensation.

(10) Lighting and power.

(a) There shall be provisions for emergency lighting.

(b) There shall be general lighting and provision for adequate examination lights in the birthing room.

(11) Linen and laundry.

(a) Soiled linen/laundry storage and sorting areas shall be physically separated from clean linen storage and handling areas, kitchen and eating facilities.

(b) Laundry equipment shall provide hot water at a temperature of ~~((+60))~~ one hundred sixty degrees Fahrenheit.

(12) Utility, housekeeping, garbage, and waste.

(a) There shall be utility and storage facilities designed and equipped for washing, disinfecting, storing, and other handling of equipment and medical supplies in a manner which ensures segregation of clean and sterile supplies and equipment from those that are soiled and/or contaminated.

(b) All sewage, garbage, refuse, and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition.

(13) Food storage and/or preparation.

(a) Food service and catering of food shall not be provided by the facility.

(b) When birth center policy provides for allowing the preparation (~~(and/or)~~) or storage of personal food brought in by the client or families of clients for consumption by that family, there shall be an adequate electric or gas refrigerator capable of maintaining a temperature of ~~((45))~~ forty-five degrees Fahrenheit or lower and dish-washing facilities which provide hot water at a temperature of not less than ~~((+40))~~ one hundred forty degrees Fahrenheit.

WSR 86-04-032

**NOTICE OF PUBLIC MEETINGS
HIGHER EDUCATION PERSONNEL BOARD**

[Memorandum—January 29, 1986]

**NOTICE OF
HIGHER EDUCATION PERSONNEL BOARD
MEETINGS - 1986**

<u>Date</u>	<u>Location</u>
January 17	Tacoma Community College 5900 South 12th Street Tacoma, Washington
February 21	Bellevue Community College 3000 Landerholm Circle S.E. Bellevue, Washington
March 21	North Seattle Community College 9600 College Way North Seattle, Washington
April 18	Skagit Valley College 2405 College Way Mount Vernon, Washington
May 16	Washington State University Pullman, Washington
June 20	Big Bend Community College 24th and Andrews Moses Lake, Washington
July 18	Lower Columbia Community College 1600 Maple Street Longview, Washington
August 15	Shoreline Community College 16101 Greenwood Avenue North Seattle, Washington
September 19	Spokane Community College District North 2000 Greene Street Spokane, Washington
October 17	Yakima Valley College

November 21 16th Avenue and Nob Hill Boulevard
Yakima, Washington
Clark College
1800 East McLoughlin Boulevard
Vancouver, Washington
December 19 University of Washington
Seattle, Washington

Any changes of date or location will be filed with the code reviser for publication in the Register.

WSR 86-04-033
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed January 30, 1986]

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 License to reflect the true party in interest—Display of licenses, WAC 314-12-030;

that the agency will at 9:30 a.m., Tuesday, March 11, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.24.010.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 29, 1986

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-12-030 License to reflect the true party in interest—Display of licenses.

Description of Purpose: To amend subsection (2) of the rule to remove the requirement that liquor licenses be displayed under glass. The prominent display of the license is the primary requirement.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.24.010.

Summary of Rule: The present rule requires that the license be prominently displayed under glass.

Reason Supporting Proposed Action: To require that the license be displayed under glass is not reasonable when other mounting media are available which are just as effective as glass in protecting and prominently displaying a license.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be none.

AMENDATORY SECTION (Amending Order 58, filed 8/9/77, effective 9/12/77)

WAC 314-12-030 LICENSE TO REFLECT TRUE PARTY IN INTEREST—DISPLAY OF LICENSES. (1) Pursuant to the requirements of RCW 66.24.010(1), any license issued shall be issued in the name of the true party in interest. No licensee shall pay to any person, as compensation for services or otherwise, more than ten percent of the net profits of the licensed business, unless the name of said person appears on the license.

(2) All licenses (except certificates of approval and agent's licenses) shall be (~~framed under glass and~~) prominently displayed on the licensed premises.

WSR 86-04-034
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed January 30, 1986]

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 Guest and courtesy cards—Visitors, WAC 314-40-040;

that the agency will at 9:30 a.m., Tuesday, March 11, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.24.450.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 29, 1986

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-40-040 Guest and courtesy cards—Visitors.

Description of Purpose: To permit organizations licensed as private nonfraternal clubs to extend privileges to members in good standing of other nonfraternal private clubs or organizations by way of reciprocal agreements.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.24.450.

Summary of Rule: The rule as it is now limits reciprocal privileges between nonfraternal private clubs to golf, tennis and yacht clubs.

Reason Supporting Proposed Action: The proposed rule change would remove the limitations and allow members in good standing of nonfraternal clubs to enjoy the privileges of other nonfraternal clubs, providing the bylaws of the organization authorize such privileges.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be none.

AMENDATORY SECTION (Amending Order 152, Resolution No. 161, filed 2/27/85)

WAC 314-40-040 GUEST AND COURTESY CARDS—VISITORS. (1) Guest cards may be issued only as follows:

(a) For clubs located within the limits of any city or town, only to those persons residing outside of an area ten miles from the limits of such city or town;

(b) For clubs located outside of any city or town only to those persons residing outside an area fifteen miles from the location of such club: PROVIDED, That where such area limitation encroaches upon the limits of any city or town, the entire corporate limits of such city or town shall be included in the prohibited area;

(c) Such guest cards shall be issued for a period not to exceed two weeks and must be numbered serially, with a record of the issuance of each such card to be filed in a manner as to be readily accessible to the agents of the board;

(d) Mileage restrictions in WAC 314-40-040 (1)(a) and (b) shall not apply to contestants in golf or tennis tournaments conducted on the grounds of a licensed club.

(2) Visitors may be introduced when accompanied at all times by a member and may remain as long as such member is present in the club: PROVIDED, That any such visitor may only enjoy the privileges of the club a reasonable number of times in any one calendar year.

(3) Persons who are members in good standing of a national veterans organization may enjoy the privileges of any licensed club affiliated with any national veterans organization, and persons who are members in good standing of a national fraternal organization may enjoy the privileges of any club affiliated with that particular national fraternal organization: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such organizations.

(4) Persons who are members in good standing of ~~((a licensed golf, tennis, or yacht))~~ organizations licensed as private nonfraternal clubs may enjoy the privileges of ~~((any other licensed golf, tennis, or yacht))~~ other licensed nonfraternal clubs, respectively: PROVIDED, That the bylaws of such clubs authorize reciprocal privileges: PROVIDED FURTHER, That WAC 314-40-040 (1) and (2) shall not apply to members of such clubs.

(5) Courtesy cards may be issued to the adult members of the immediate family of any member with or without charge upon application being made to the club by the member.

(6) In order to recruit new members and build club membership, a private club may hold one public membership function per calendar year where club liquor may be given to those attending as a part of the membership drive activities.

WSR 86-04-035

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-15—Filed January 30, 1986]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical aid rules and maximum fee schedule, WAC 296-23-301, dealing with rules for hospital reimbursement.

This action is taken pursuant to Notice No. WSR 85-22-081 filed with the code reviser on November 6, 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 51.04.020(4) and 51.04.030 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 January 30, 1986.

By R. A. Davis
Director

AMENDATORY SECTION (Amending Order 81-28, filed 11/30/81, effective 1/1/82)

✓ WAC 296-23-301 RATES FOR DAILY AND ANCILLARY SERVICES. The department or self-insurer will pay ~~((rates))~~ for daily and ancillary services ~~((as approved))~~ by multiplying allowed charges times the ratio of total rate setting revenue minus bad debt to total rate setting revenue for each hospital set annually based upon the latest budget available from the Washington state hospital commission. Doctor services (other than professional component) are not included in WSHC rates and should be billed using appropriate fee schedule procedure codes.

WSR 86-04-036

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed January 30, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning rules and fee schedule governing payment to doctors and other health care vendors rendering service to injured workers.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 28, 1986.

The authority under which these rules are proposed is RCW 51.04.020(4) and 51.04.030.

This notice is connected to and continues the matter in Notice No. WSR 86-01-054 filed with the code reviser's office on December 16, 1985.

Dated: January 30, 1986
By: R. A. Davis
Director

WSR 86-04-037
ATTORNEY GENERAL OPINION
Cite as: AGO 1986 No. 2
[January 29, 1986]

AGRICULTURE—LABOR AND LANDLORD LIENS ON CROPS—TO BE FILED FOR RECORD

RCW 60.12.070 contemplates laborers' and landlords' liens on crops be filed for record which requires recording procedures, not filing.

Requested by:

Honorable Paul Klasen
Prosecuting Attorney
County of Grant
P.O. Box 37
Ephrata, Washington 98823

WSR 86-04-038
EMERGENCY RULES
HIGHER EDUCATION COORDINATING BOARD
[Order 6-85—Filed January 30, 1986]

Be it resolved by the Higher Education Coordinating Board, acting at 908 East Fifth Avenue, Olympia, WA 98504, that it does adopt the annexed rules relating to state work study program, WAC 250-40-050, restrictions on student placement and compensation.

We, the Higher Education Coordinating Board, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is actions pending before the Council for Postsecondary Education, which was "sunset" on December 30, 1985, has been deferred for consideration by the new Higher Education Coordinating Board.

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

This rule is promulgated under the general rule-making authority of the Higher Education Coordinating Board as authorized in RCW 28B.12.060.

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

APPROVED AND ADOPTED January 30, 1986.

By Neil D. Uhlman
Acting Executive Director

AMENDATORY SECTION (Amending Order 5-82, filed 7/20/82)

WAC 250-40-050 RESTRICTIONS ON STUDENT PLACEMENT AND COMPENSATION. (1) Displacement of employees. Employment of state work-study students may not result in displacement of employed workers or impair existing contracts for services.

(a) State work-study students employed by public institutions of postsecondary education may not fill positions currently or formerly occupied by classified employees.

(b) In cases of governmental employment, state work-study students may fill positions which have been previously occupied but were vacated as a result of implementing previously adopted reduction in force policies in response to employment limitations imposed by federal, state or local governments.

(c) In all other cases, state work-study students may not fill positions which have been occupied by regular employees during the current or prior calendar or fiscal year.

(2) Rate of compensation. All work-study positions shall receive compensation equal to the entry level salary of comparable positions.

Students employed by public postsecondary educational institutions who are filling positions which are comparable to Higher Education Personnel Board classified positions must be paid entry level Higher Education Personnel Board wages for the position.

Determination of comparability must be made in accordance with State Work Study program operational guidelines.

Documentation must be on file at the institution for each position filled by a State Work Study student which is deemed by the institution as not comparable to a Higher Education Personnel Board position.

(3) Maximum total compensation. Earnings beyond the student's state work-study eligibility must be reported to the financial aid officer, and resulting adjustments made in the financial aid package. In the event that a student earns more money from employment than the institution anticipated when it awarded student financial aid, the excess is to be treated in accordance with the method specified in the state work-study operational guidelines.

(4) State share of student compensation. The state share of compensation paid students (~~employed by state supported institutions of postsecondary education or by common school districts which have entered into a special agreement with the Council for Postsecondary Education through the Superintendent of Public Instruction's office for the placement of students in an authorized program providing tutorial assistance shall not exceed 80 percent of the student's gross compensation~~) shall not exceed 80 percent of the student's gross compensation in the following cases: (a) when employed by state supported institutions of postsecondary education at which they are enrolled, (b) when employed as

tutors by the state's common school districts which have entered into a special agreement with the Higher Education Coordinating Board for placement of students in an authorized program providing tutorial assistance, and (c) when employed in tutorial or other support staff positions by non-profit adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program. The state share of compensation paid students employed by all other employers shall not exceed 65 percent of the student's gross compensation.

(5) Employer share of student compensation. The employer shall pay a minimum of 20 percent or 35 percent of the student's gross compensation as specified in subsection (4) above, plus the costs of any employee benefits including all payments due as an employer's contribution under the state workman's compensation laws, federal Social Security laws, and other applicable laws. The federally-funded college work-study program cannot be used to provide employer share of student compensation except when used for placement of students in tutorial or other support staff positions with adult literacy service providers in the state of Washington who meet guideline criteria for participation in the 1985-87 Adult Literacy Pilot Program.

(6) Academic credit for state work-study employment. Students may receive academic credit for experience gained through state work-study employment.

(7) Maximum hours worked. Employment of a student in excess of an average of 19 hours per week over the period of enrollment for which the student has received an award or maximum of 40 hours per week during vacation periods will not be eligible for reimbursement from state funds.

A student may not be concurrently employed in the same position by the State Work-Study Program and the federal college work-study program and exceed the 19 hours per week average.

Further, the student cannot accept other on-campus employment which results in a waiver of the non-resident tuition and fees differential under RCW 28B.15.014.

(8) Types of work prohibited. Work performed by a student under the State Work-Study Program shall not be sectarian related and shall not involve any partisan or nonpartisan political activity.

(9) Relationship to formula staffing percentage. Placement of state work-study students in on-campus positions at public postsecondary educational institutions may not result in a level of employment in any budget program in excess of a formula staffing percentage specifically mandated by the legislature.

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 86-04-039

ADOPTED RULES

PRODUCTIVITY BOARD

[Order 85-1—Filed January 30, 1986]

Be it resolved by the Productivity Board, acting at Olympia, Washington, that it does adopt the annexed rules relating to chapter 383-06 WAC.

This action is taken pursuant to Notice Nos. WSR 85-15-096 and 85-19-060 filed with the code reviser on July 24, 1985, and September 16, 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 41.60 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 November 14, 1985.
By Carolyn W. Smith
Administrator

Chapter 383-06 WAC
GUIDELINES FOR THE ((PRODUCTIVITY BOARD)) EMPLOYEE SUGGESTION PROGRAM((S))

WAC	
383-06-010	Purpose.
383-06-020	Definitions.
383-06-030	Functions of the board.
383-06-040	Duties of the program administrator.
383-06-045	Role of agency management.
383-06-050	((Appointment and)) Responsibilities of agency coordinators.
383-06-060	Responsibilities of agency evaluators.
383-06-070	Procedures for processing multi-agency suggestions.
383-06-080	Eligibility for participation((+ recognition)).
383-06-090	Suggestion format.
383-06-100	Suggestion acceptability.
383-06-110	((Noneligibility)) Eligibility for cash awards.
383-06-120	((Amount)) Payment of cash awards.
383-06-130	Recognition of merit.
383-06-140	Appeal((s))/perfection of right to appeal.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓ WAC 383-06-010 PURPOSE. The purpose of this chapter is to provide guidelines for ((two incentive)) the employee suggestion program((s)) developed and administered by the productivity board under the authority of chapter 41.60 RCW. ((WAC 383-06-020 through 383-06-140 refer to the employec suggestion program. Rules

for the incentive pay program begin with WAC 383-06-150.)

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-020 DEFINITIONS. As used in these rules, these definitions refer only to the employee suggestion program unless the context requires otherwise:

- (1) "Board" means the productivity board.
- (2) "Program" means the employee suggestion program developed by the board under RCW 41.60.020.
- (3) "The act" referred to in these rules is chapter 41.60 RCW.
- (4) "Employee" is any person subject to chapter 41.06 or 28B.16 RCW.
- (5) "Suggestion" is a unique, useful or workable, constructive proposal offering a specific change or form of improvement which contributes to state efficiency, service, safety, economy or employee well-being.
- (6) "Agency" includes every subdivision of government which is eligible to participate under chapter 41.60 RCW, including institutions of higher education and merit system agencies.
- (7) "Multi-agency suggestion" meets the criteria for a suggestion, as defined in WAC 383-06-100, and ((in addition has one or more of the following characteristics:
 - (a) Requires cooperative evaluation or action by two or more agencies.
 - (b) Anticipates potential joint savings for two or more agencies in excess of fifty thousand dollars annually.
 - (c) Requires statutory support for implementation)) requires evaluation by two or more agencies.
 - (8) "Award" means monetary or noncash recognition.
 - (9) Agency "directors" include the chief executive, whether appointed or elected, of each state agency or institution of higher education.
 - (10) "Administrator" is the executive manager of the employee suggestion board and serves as staff to the productivity board.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-030 FUNCTIONS OF THE BOARD. ((1) The board shall meet upon the call of the chairman or a majority of the board at least four times per year. Four voting members shall constitute a quorum. Ex officio members may not vote.

- (2)) The responsibilities of the board shall include:
- ((a) Making the final determination as to whether or not an award should be made and the nature and extent of any award or recognition given.
 - (b) Adopting rules and regulations necessary for the administration of the act.
 - (c) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.
 - (d) Hearing of appeals pursuant to WAC 383-06-140.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-040 DUTIES OF THE PROGRAM ADMINISTRATOR. The program administrator shall be responsible and accountable to the board for the ((promotion and the administrative work)) administration of the program, and shall:

(c) Evaluate multi-agency suggestions pursuant to WAC 383-06-070.) (1) Promoting the program to agency directors and the legislature.

(2) Establishing policies under which the program shall be promoted and administered, including criteria for suggestion acceptability for evaluation and the granting of awards.

(3) Adopting rules and regulations necessary for the administration of the act.

(4) Making the final determination as to whether or not an award should be made and the nature and extent of any award or recognition given.

(5) Hearing of appeals pursuant to WAC 383-06-140.

(6) The board shall meet upon the call of the chairman or a majority of the board at least four times per year. Four voting members shall constitute a quorum. Ex officio members may not vote.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-040 DUTIES OF THE PROGRAM ADMINISTRATOR. The program administrator shall be responsible and accountable to the board for the ((promotion and the administrative work)) administration of the program, and shall:

(1) Attend all meetings of the board ((; act as its executive secretary;)) and ensure an official record of its ((official)) actions ((; and maintain minutes of its proceedings)).

(2) Propose policies, rules, and regulations appropriate for the administration of the program.

(3) ((Direct the activity of subordinate staff.

(4)) Report to agencies about ((adopting)) implemented suggestions, indicating those requiring a post audit.

((5)) (4) Establish and maintain records showing the use and effectiveness of the system, including the participation rate and results of involved agencies.

((6)) (5) Interact with agency coordinators regarding program promotion and participation.

((7)) (6) Perform other duties as required by the board.

NEW SECTION

✓WAC 383-06-045 ROLE OF AGENCY MANAGEMENT. Each agency director or designee shall:

(1) Appoint a coordinator to act as liaison between the agency and the board.

(2) Encourage all levels of management to promote and participate in the program.

(3) Make the final decision to implement a suggestion.

(4) Ensure that new employees receive orientation about the program.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-050 ((APPOINTMENT AND)) RESPONSIBILITIES OF AGENCY COORDINATORS. ((Each state agency head shall appoint one or

more)) Coordinator(s) ((who)) shall function as agency liaison with the board and shall be responsible to:

(1) Promote and coordinate the program among agency employees.

(2) Distribute suggestion forms in their agency.

(3) ((Effect)) Facilitate timely ((review and)) evaluation of all suggestions referred by the ((secretary)) productivity board office.

(4) ((Document)) Maintain documentation of all agency evaluations((;)) and((, for those suggestions adopted:

(a) Maintain records of the first-year fiscal impact of adopted suggestions on agency operation:

(b) Monitor adopted suggestions and implementation by the agency:

(c) Notify the productivity board and the employee(s) who made the suggestion within thirty calendar days after its implementation:

(5) Represent the agency in liaison with other agencies on suggestions of mutual interest)) implementation plans.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓ WAC 383-06-060 RESPONSIBILITIES OF AGENCY EVALUATORS. ((+)) Evaluators designated by the agency to review a particular suggestion shall ((have a clear understanding of what is being suggested and how it could conceivably be used by the agency:

(2) ~~These evaluators shall determine the benefits of the suggestion which may include, but are not limited to:~~

(a) Savings in time, money, materials;

(b) Improved service or product;

(c) Eliminated waste or duplication:

(3) Evaluators shall also consider:

(a) Cost effectiveness;

(b) Scope of application;

(c) Practicality of implementation:

(4) Upon the evaluators' review the suggestion which shall be conducted in a timely manner:

(a) They shall recommend adoption, partial adoption, or rejection:

(b) Evaluated suggestions and agency recommendations shall be returned to the evaluators' own agency coordinator within thirty days):

(1) Conduct the review in a timely manner; and

(2) Recommend adoption, partial adoption, conditional adoption, or rejection of the suggestion as submitted; and

(3) Return evaluated suggestion with their recommendation to the agency coordinator within thirty days. If more than thirty days is required, agency coordinators must be notified of the need for an extension of time. An interim report may be required when lengthy delays are anticipated.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓ WAC 383-06-070 PROCEDURES FOR PROCESSING MULTI-AGENCY SUGGESTIONS. Multiple-agency suggestions require evaluation by two or more agencies. The program administrator will nominate to the board any suggestion which meets the criteria enumerated in WAC 383-06-020(7), following processing according to procedures developed in accordance to WAC 383-06-100. ((f)) The ((board approves nomination, it)) administrator will coordinate ((administration)) investigation of the suggestion through the multi-agency evaluation processing. Such coordination may entail:

(1) Obtaining all pertinent information concerning the merits of the suggestion((-)) from representative agencies; and

(2) Making a formal report to the ((office of the governor describing)) productivity board about the suggestion((-, its possible advantages and disadvantages, potential benefits, savings or enhancements to safety, and necessary administrative and legislative action required for implementation)).

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓ WAC 383-06-080 ELIGIBILITY FOR PARTICIPATION((/RECOGNITION)). (1) ((Classified)) Employees of merit system and higher education system agencies under chapters 41.06 and 28B.16 RCW may submit suggestions ((concerning areas outside their normal line of duty)).

((2)) Employees whose normal duties involve research and planning may participate but may not receive cash awards unless the subject matter is unrelated to their routine work assignment.

((3)) Employees with the authority to make the change suggested may not receive an award.

((4) Exempt employees,) (2) Productivity board members and staff((-, and the program administrator)) may not participate.

((5)) (3) If a suggestion is adopted for implementation, an employee is eligible to receive an award in accordance with WAC 383-06-110.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓ WAC 383-06-090 SUGGESTION FORMAT. (1) Suggestions shall be submitted:

In a legible manner on the special forms ((made available)) to be provided by agency coordinators or ((from)) the productivity board office.

(2) ((Suggestions shall be submitted)) To the program administrator at the address indicated on the form((-, including)): P.O. Box 1789, Mail Stop: FE-11, Olympia, WA 98504.

(3) Submitted suggestions shall contain:

(a) A specific statement of what is suggested and how it can be accomplished;

(b) A brief statement describing the present methods, practices or problem;

(c) A statement of the savings, improved services, or benefits which will accrue from adoption of the suggestion.

~~((3))~~ (4) Suggestions must also include the suggester's signature, title of position, department and division, mailing address and Social Security number.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-100 SUGGESTION ACCEPTABILITY. ~~((1))~~ Suggestions considered acceptable are those which improve the efficiency and/or the effectiveness of state government.

(1) This may include, but is not limited to:

- (a) Savings in time or money;
- (b) Elimination of waste or duplication;
- (c) Improved service or product;
- (d) Energy conservation;
- (e) Improved working conditions.

~~(Suggestions must be outside the normal job requirements of the person submitting the suggestion.)~~

(2) ~~((In the case of suggestions identical or similar to others received before it, the suggestion))~~ Suggestions shall be considered in the order of the date by which they are officially received by the program administrator (first shall receive consideration).

(3) ~~((The board retains the right to disqualify))~~ Suggestions may be unacceptable when a remedy exists through other established administrative procedures, (each) such as:

- (a) The need for routine maintenance of buildings or grounds;
- (b) Personalized complaint affecting suggester only;
- (c) Recommendation for a study, review, survey, design, audit, research, development, investigation, etc., without stating what the expected outcome should be or what solution might result from it;
- (d) Proposing items in state stock be issued and used for their intended purpose;
- (e) Changing ~~((in))~~ salary, position or classification;
- (f) Enforcement of laws, policies, procedures, regulations, rules, etc.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-110 ~~((NONELIGIBILITY))~~ ELIGIBILITY FOR CASH AWARDS. Qualified employees are eligible for awards for adopted suggestions, except that awards shall not be made for:

(1) Suggestions which ~~((represent a part of the normal duties or over which the suggester has the authority to make the change:~~

(2) ~~Suggestions by employees whose normal duties are research or planning unless the subject matter is unrelated to normal work assignments))~~ are within the scope of an employee's assigned responsibilities.

~~((3))~~ (2) Suggestions submitted more than sixty days after the idea is ~~((fully and completely))~~ implemented. Implementation means the time the idea becomes operational~~(, except)~~. When the decision of the agency to adopt the suggestion is withheld until the close

of a trial period~~((,))~~, the board may in its discretion~~((, in this instance,))~~ provide for a certificate of award ~~((or a partial award))~~.

~~((4))~~ (3) Suggestions wherein the suggester, either directly or indirectly, has a proprietary interest in the suggestion.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-120 ~~((AMOUNT))~~ PAYMENT OF CASH AWARDS. (1) No cash awards shall be for less than twenty-five dollars or for more than the maximum amount permitted by RCW 41.60.041.

~~((1))~~ (2) Awards for suggestions which will result in demonstrable savings of money shall be determined by the board after consideration of the savings to be effected.

~~((2))~~ (3) Suggestions which will result in intangible improvements, such as benefits in safety, health, welfare, morale, etc., may be granted cash awards in amounts to be determined by the board. The board shall set guidelines, insofar as possible, to make such awards commensurate with the benefits anticipated from the suggestion.

~~((3))~~ (4) The board ~~((reserves the right to schedule))~~ may direct incremental payment of any award.

~~((4))~~ ~~Cash awards shall be in addition to regular compensation and~~ (5) The acceptance of ~~((such))~~ cash awards shall constitute an agreement that the use by the state of Washington of the suggestion for which the award is made shall not form the basis for a further claim of any nature upon the state by the employee or the employees heirs or assignees.

~~((5))~~ (6) When a suggestion is submitted by more than one employee, ~~((the award shall be considered on the basis of the suggestion only.))~~ any resulting award will be shared by the cosuggesters listed on the suggestion form.

~~((6))~~ ~~Warrants for awards shall be drawn on the signature of the state treasurer after the award amount has been approved by a quorum of the board as provided in RCW 41.60.070. Vouchers shall be jointly signed by the agency director and the program administrator.)~~

(7) ~~((Incentive))~~ Cash awards may not be used for the purpose of computing a retirement allowance under any public retirement system of the state.

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓WAC 383-06-130 RECOGNITION OF MERIT. The board may issue noncash recognition of merit in such form and manner as it determines. ~~((Any certificates of merit may be in addition to or in lieu of cash awards. Certificates shall be presented for, but shall not be limited to, the following:~~

(1) ~~When it cannot be proved whether or not a suggestion caused the action taken.~~

(2) ~~When the suggestion is submitted more than sixty days after the idea is fully and completely implemented.~~

(3) ~~When the agency personnel deserve recognition as deemed appropriate and otherwise outside the realm of specific suggestions.)~~

AMENDATORY SECTION (Amending Order 831, filed 7/20/83)

✓ WAC 383-06-140 APPEAL((S))/PERFECTION OF RIGHT TO APPEAL. (1) A suggester, or the suggester's representative, may, by written appeal, request that ~~((the board reconsider))~~ either a denial of award ~~((and))~~ or the amount of an award be reconsidered. To be valid, the appeal must be postmarked within thirty calendar days ~~((from when the suggester is notified))~~ of notification of board action. Such appeal must ~~((demonstrate that the employee suggestion was instrumental in leading to actual implementation))~~ state with specificity the grounds for the appeal and a statement of the relief sought.

(2) ~~((An employee's right to a suggestion expires two years from date of board action:))~~ At the direction of the productivity board, an agency shall reconsider appealed suggestions based upon new information provided in the written appeal and report its findings to the productivity board. The board shall reconsider the suggestion in light of new evidence and evaluations.

(3) If a rejected suggestion is placed in effect ~~((during this two-year period))~~ within two years of board action, ((an)) the employee may file an appeal based on the suggestion's implementation. Such appeal must be filed within sixty days of the date that the suggestion was placed into effect.

~~((3))~~ (4) The board reserves the right to rule on cases which involve extenuating circumstances.

WSR 86-04-040

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order DE 85-13—Filed January 31, 1986]

I, Phillip Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to Clallam County, WAC 173-19-130.

This action is taken pursuant to Notice No. WSR 85-21-017 filed with the code reviser on October 8, 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 90.58.120 and 90.58.200 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 27, 1986.

By Phillip Johnson
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-41, filed 3/29/84)

✓ WAC 173-19-130 CLALLAM COUNTY master program approved August 5, 1976. Revision approved

November 16, 1976. Revision approved August 10, 1979. Revision approved January 4, 1983. Revision approved March 27, 1984. Revision approved January 27, 1986.

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 86-04-041

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2328—Filed January 31, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to prepaid health plans, new WAC 388-86-009.

I, Lee D. Bomberger, 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 will be substantial improvements in services to clients especially in Mason County. It was announced both in the Washington State Register and at the hearing that the changes would be effective February 1, 1986.

These rules are therefore adopted as emergency rules to take effect on February 1, 1986.

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 January 31, 1986.

By Lee D. Bomberger, Acting Director
Division of Administration and Personnel

NEW SECTION

WAC 388-86-009 PREPAID HEALTH PLANS.

(1) *The department may enter into agreements with prepaid health plans including, but not limited to, Health Maintenance Organizations (HMOs), Preferred Provider Organizations (PPOs) and Health Insuring Organizations (HIOs). Eligible recipients enrolled in such plans are required to utilize the providers and services covered under these plans exclusively, except for services not included in the agreement or for service delivery arrangements otherwise approved by the department.*

(2) *Enrollment in these plans may be voluntary or mandatory depending on the requirements of the plan as determined by the department.*

(3) Effective February 1, 1986, certain recipients will be enrolled in a Health Insuring Organization designated by the department. Enrollment in this plan is mandatory for individuals certified as recipients of aid to families with dependent children-regular (AFDC-R), who live in Kitsap and Mason counties.

WSR 86-04-042
PROPOSED RULES
HORSE RACING COMMISSION

[Filed January 31, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Horse Racing Commission intends to adopt, amend, or repeal rules concerning:

Amd	WAC 260-12-160	Relating to denial of admission to grounds.
Amd	WAC 260-16-040	Relating to Washington-bred horses.
New	WAC 260-16-050	Relating to certification of Washington-bred horses.
Amd	WAC 260-36-020	Relating to licenses of jockeys et al.
Amd	WAC 260-36-030	Relating to licenses of veterinarians et al.
Amd	WAC 260-36-040	Relating to registration of personnel other than owners, trainers and jockeys.
Amd	WAC 260-36-080	Relating to duration of licenses.
Amd	WAC 260-40-100	Relating to performance records.
Amd	WAC 260-70-010	Relating to definition applicable to chapter 260-70 WAC.
New	WAC 260-48-035	Relating to payoffs on minus pools;

that the agency will at 1:00, Tuesday, April 1, 1986, in the Hyatt House, 17001 Pacific Highway South, Seattle, 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 67.16.020 and 67.16.040.

The specific statute these rules are intended to implement is chapter 67.16 RCW, section 13 of 1986 amendment.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 27, 1986.

Dated: January 31, 1986

By: Billy Aliment
Executive Secretary

STATEMENT OF PURPOSE

In the matter of amending or adopting WAC 260-12-160, 260-16-040, 260-16-050, 260-36-020, 260-36-030, 260-36-040, 260-36-080, 260-40-100, 260-70-010 and 260-48-035, relating to the rules of horse racing.

WAC 260-12-160, 260-16-040, 260-16-050, 260-36-020, 260-36-030, 260-36-040, 260-36-080, 260-40-100, 260-70-010 and 260-48-035 are proposed for amendment and enactment as indicated in the notice of intention to adopt rules filed this date with the code reviser.

The amendment to the existing rules is proposed pursuant to RCW 67.16.020 and 67.16.040, under the general rule-making authority of the Washington Horse Racing Commission. In addition, the amendment to WAC 260-16-040 and 260-16-050 are proposed in direct response to the mandate of the legislature by its revision of chapter 67.16 RCW, section 13 of 1985, in regard to Washington-bred horses.

The amendments and enactments are for the following reasons: WAC 260-12-160 will clarify the long-standing precedent that management may exclude a patron from the grounds of a track for the reason set forth in the rule as well as for all other reasons consistent with a private business decision regarding patrons. The authority of the board of stewards is generally retained in regard to licensees and since patrons excluded under this rule are not licensees, it is not the kind of matter that needs to be reviewed by the board of stewards. The board of stewards do not function to review and overrule decisions made by track management in regard to the handling of its patrons; WAC 260-16-040 is necessary to clarify the scope of the rule in light of some new changes in regard to certification of Washington-bred horses. The amendment makes it clear that qualification for the owners bonus and breeder awards will be controlled by a new rule, WAC 260-16-050; WAC 260-16-050 relating to certification of Washington-bred horses is in direct response to the mandate of the 1985 session of the legislature. The rule specifies the process for certification of Washington-bred horses, lists the organizations that will be involved in it and outlines how other organizations may be considered in the certification process in the future if they are deemed to qualify. In addition, the rule clarifies the definition of what is a Washington-bred horse for purposes of qualification for the breeder awards and owners bonus; WAC 260-36-020 mainly changes the license fee and simplifies the process by making sure that the license now will be for a three-year period instead of for a one-year period; WAC 260-36-030 is similar to the proposed amendment to WAC 260-36-020. It increases the license fee but it ensures that the duration of the license period will be for three years thus avoiding the need for annual licensing procedure; WAC 260-36-040 clarifies the licensing procedure for personnel other than owners, trainers and jockeys. Thus, those who work at the track on a seasonal basis may secure a license under this proposed change that will be valid for one year and they will pay a modest fee. They are not obligated to be licensed for three years and thus do not have to pay the same kind of fee as those licensees who are subject to the other provisions; WAC 260-36-080 is mainly a housekeeping provision to clarify that the duration of licenses will be for three-year periods or for one-periods [one-year periods] depending on which category the licensee is in; WAC 260-40-100 relating to the performance records of horses is meant to clarify the rules as it will be applied to some of the tracks in Eastern Washington. It has been specifically requested by Sundowns Race Track and it will ensure that the performance record rule is properly applied to them; WAC 260-70-010 relating to definitions applicable under chapter 260-70 WAC is proposed for several

reasons. First, it simplifies and streamlines WAC 260-70-010. Second, it assists in giving the horse men even further notice of what prohibited drugs are. Third, it emphasizes the importance of the existing rules in regard to two-year old horses such that it is clear they cannot have any medication in them while running in a race. Fourth, it basically removes redundant language from the rule in keeping with the Horse Racing Commission's policy of revising language that is unnecessary because the matter is already clearly covered under existing rules as this one is in WAC 260-70-021(7); and WAC 260-48-035 relating to payoffs on minus pools is meant to codify what has been understood to be the policy of the Horse Racing Commission. In other words, the rule implements the payoffs on minus pools so that it is consistent with the rule in other jurisdictions, like in California.

Billy Aliment, Executive Secretary, Suites B and C, 210 East Union Avenue, Olympia, Washington 98504, phone 753-3741, and members of the Racing Commission staff were responsible for the drafting of the amendments and enactments and are to be responsible for their implementation and enforcement.

The proponent of the amendments and enactments is the Washington Horse Racing Commission, Barbara Black, Chairperson.

The Washington Horse Racing Commission recommends the adoption of the amendments and enactments. They have been drafted in consultation with various parties and in some cases, with consultation from members of the horse racing industry.

WAC 260-16-040 and 260-16-050 are necessary as the result of state law. By action of the legislature, chapter 67.16 RCW, section 13 of the 1985 amendment, became law last year and it is a mandate for action to be taken by the Horse Racing Commission in this regard.

This certifies that copies of this statement are on file with the Racing Commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Secretary of the Senate and to the Chief Clerk of the House of Representatives.

Small Business Economic Impact Statement: In the matter of amending or adopting WAC 260-12-160, 260-16-040, 260-16-050, 260-36-020, 260-36-030, 260-36-040, 260-36-080, 260-40-100, 260-70-010 and 260-48-035, relating to the rules of horse racing.

The amendments and enactments listed above are not anticipated to affect more than twenty percent of all industries, nor more than ten percent of any one industry as defined by section 2(3), chapter 6, Laws of 1982. Therefore, a small business economic impact statement has not been prepared.

AMENDATORY SECTION (Amending Order 79-05, filed 12/17/79)

WAC 260-12-160 DENIAL OF ADMISSION TO GROUNDS—NARCOTICS OFFENDERS. No person who has been convicted for illegal possession, sale or giving away of any narcotic or controlled substance shall be permitted on the grounds of an association (except by permission of the board of stewards).

AMENDATORY SECTION (Amending Rules of racing, § 320, filed 4/21/61)

WAC 260-16-040 WASHINGTON BRED HORSES. For the purpose of encouraging the breeding within this state, of valuable thoroughbred race horses, at least one race of each day's meeting shall consist exclusively of Washington bred horses. If sufficient competition cannot be had among such class of horses, said race may be eliminated for said day and a substitute race, also for Washington-bred horses, provided instead. (Section 8, chapter 55, Laws of 1933.)

Proof that horses entered in such races were bred in Washington rests with the owner. Certificate of registration or the evidence of a breeder or other responsible person will be accepted. Affidavits may be demanded at the discretion of the stewards.

Eligibility for the owner's bonus and the breeder's awards under RCW 67.16.075 and 67.16.102 are provided for in WAC 260-16-050.

NEW SECTION

WAC 260-16-050 CERTIFICATION OF WASHINGTON-BRED HORSES. (1) For purposes of the distribution of the owner's bonus and breeder's awards, a Washington-bred horse is one that meets the following requirements:

(a) The horse was foaled within the boundaries of the state of Washington; and

(b) It is officially certified by the associations designated by the racing commission.

(2) The following associations presently comprised of a majority of owners and/or breeders of their respective breeds in the state of Washington are recognized by the racing commission for the purpose of certification of Washington-bred horses for the distribution of the owner's bonus and breeder's awards provided for in RCW 67.16.075 and 67.16.102:

(a) The Washington Horse Breeders' Association, for thoroughbreds;

(b) The Washington State Standardbred Association, for standardbred harness horses;

(c) The Northern Racing Quarter Horse Association, for quarter horses;

(d) The Washington State Appaloosa Racing Association, for appaloosas;

(e) The Washington State Arabian Horse Racing Association, for arabian horses; and

(f) The Washington State Paint Horse Association, for paint horses.

(3) The racing commission may determine that other organizations should participate in the certification process if the organization is one that represents a majority of the owners and/or the breeders and, it is deemed to be in the best interests of racing. For other breeds specified in the Racing Act, organizations may present to the racing commission documentation that they represent a majority of the owners and/or the breeders.

(4) It is the responsibility of the breeder to ensure that all Washington-bred horses he or she has bred are certified by September 30 of the foal's yearling year in order to qualify for the owner's bonus and breeder's awards.

AMENDATORY SECTION (Amending Order 82-05, filed 6/25/82)

WAC 260-36-020 LICENSES REQUIRED OF JOCKEYS, APPRENTICES, OWNERS, TRAINERS. All jockeys and apprentice jockeys must first secure occupational license before accepting a mount; no trial ride will be permitted without such occupational license, except as provided in WAC 260-32-020(1). Each owner and trainer must secure occupational license before entering a horse and the racing secretary shall be required to secure such occupational license number of owner and trainer making such entry. The (~~annual~~) license fee for jockeys, apprentices, owners, and trainers shall be (~~(\$14.00)~~) for three years and shall be \$45.00.

AMENDATORY SECTION (Amending Order 82-05, filed 6/25/82)

WAC 260-36-030 VETERINARIANS, PLATERS, AND DENTISTS—LICENSE REQUIRED—INELIGIBLE AS TRAINERS. The license fee for veterinarians, platers and dentists shall (pay an annual occupational license fee of \$14.00, and) be for three years and shall be \$45.00. They must be approved by the commission before practicing their professions on the grounds of an association. They shall not be eligible to hold a license to train horses while holding said occupational license.

AMENDATORY SECTION (Amending Order 82-05, filed 6/25/82)

WAC 260-36-040 REGISTRATION OF PERSONNEL OTHER THAN OWNERS, TRAINERS AND JOCKEYS—FEE. (1) Any person acting in an official capacity or any person employed on a race track other than ~~((an owner, trainer or jockey, shall register with))~~ a groom or concession employee shall be licensed by the Washington horse racing commission ~~((and procure an occupational permit, by paying annually a fee of \$5.00))~~ for three years and the fee shall be \$45.00.

(2) All grooms and concession employees shall be licensed by the Washington horse racing commission for one year and the fee shall be \$5.00.

(3) All employees of the Washington horse racing commission shall be exempt from any license fees but shall be issued a photo identification badge which shall be displayed in the same manner as all other licensees while in the performance of their duties at the track.

AMENDATORY SECTION (Amending Rules of racing, § 345, filed 4/21/61)

WAC 260-36-080 DURATION OF LICENSE. Every permit or license ~~((shall be for not more than one year, and shall expire on December 31st of each year))~~ for a three-year period shall expire on December 31st of the third year after it was issued. Every permit or license for a one-year period shall expire on December 31st of the year it was issued.

AMENDATORY SECTION (Amending Order 78-2, filed 7/31/78)

WAC 260-40-100 PERFORMANCE RECORDS. (1) A horse which during the past calendar year, has started in a race which is not reported in the daily racing form monthly chart book shall not be entered at a Washington track unless and until the owner shall have furnished to the racing secretary, at least forty-eight hours prior to such entry, performance records as hereinafter designated. Such performance records shall show where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.

(2) In a maiden race, a horse which at any time, has started in a race which is not reported in daily racing form monthly chart book shall not be entered at a Washington track unless and until the owners shall have furnished to the racing secretary at least forty-eight hours prior to such entry, complete performance records hereinafter designated. Such performance of said horse; where and when said horse raced; the distance; the weight carried; amount earned; said horse's finishing position and time. Such performance records furnished to the racing secretary shall be signed and sworn to by the owner of the horse.

(3) No horse may be permitted to enter in a race whose recent workouts have not been properly recorded with the stewards.

(4) If the net value to the winner of a race run in the state of Washington is nine hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Longacres, if the net value to the winner of a race run in the state of Washington is four hundred dollars or less, said winnings shall not be counted in considering eligibility of horses running at Playfair and Yakima Meadows; however, the maiden allowance shall be lost by the winning of any race at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts. Furthermore, for any race to count against a horse's eligibility at Longacres, Playfair or Yakima Meadows the complete results of that race must be carried in the daily racing form, morning telegraph, quarter running horse chart book or appaloosa horse club charts.

All wins, regardless of the net value to the winner, shall be considered in eligibility requirements in all races, including maiden races at all tracks other than ~~((Longacres, Playfair and Yakima Meadows))~~ at a track whose complete official results are carried in the daily racing form, morning telegraph, quarter running horse chart book, or appaloosa horse club charts.

AMENDATORY SECTION (Amending Order 84-01, filed 3/7/84)

WAC 260-70-010 DEFINITIONS APPLICABLE TO CHAPTER 260-70 WAC. As used in this chapter, unless the context clearly

requires a different meaning, the following terms shall have the following meanings:

(1) "Permitted medication" or "medication" means and includes any substance used to treat, cure, and prevent disease, relieve pain, or improve or preserve health, including vitamins, food additives, minerals, and domestic remedies.

(2) "Prohibited drugs" means (a) any medication or metabolic derivatives thereof which is a narcotic, or which could serve as a local anesthetic, or tranquilizer, or which could stimulate or depress the circulatory, respiratory, or central nervous system of a horse; or (b) any interfering substance ~~((or (c) phenylbutazone carried in the body of a two year old horse in violation of WAC 260-70-090))~~.

(3) "Interfering substance" or "interfere" means and refers to any medication which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures. Such terms include permitted medication when used in quantities which might mask or screen the presence of prohibited drugs or prevent or delay testing procedures.

(4) "Phenylbutazone" means phenylbutazone, oxyphenylbutazone, or their derivatives or metabolites thereof.

(5) "Bleeder" means a horse which hemorrhages from the respiratory tract during a race or within one hour—post race or during exercise or within one hour of such exercise.

(6) "Bleeder list" means a tabulation of all bleeders to be maintained by the commission.

NEW SECTION

WAC 260-48-035 PAYOFF ON MINUS POOLS. The association must pay to the holder of any ticket or tickets entitling him to participate in the distribution of a parimutuel pool the amount wagered by such holder plus a minimum of five percent thereof. This requirement is unaffected by the existence of a parimutuel pool which does not contain sufficient money to distribute said five percent to all persons holding such tickets.

WSR 86-04-043**PROPOSED RULES****DEPARTMENT OF PERSONNEL****(Personnel Board)**

[Filed January 31, 1986]

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 Application—Disqualification—Notice requirements, amending WAC 356-22-080;

that the agency will at 10:00 a.m., Thursday, March 13, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 30, 1986

By: Leonard Nord
Secretary**STATEMENT OF PURPOSE**

Amend WAC 356-22-080.

Title: Application—Disqualification—Notice requirements.

Purpose: To provide procedures for notifying disqualified job applicants and to provide procedures whereby disqualified applicants may file appeals.

Statutory Authority: RCW 41.06.150.

Summary: Revise subsection (1) to indicate that the procedure for filing appeals is contained in WAC 356-34-090. Delete subsections (2), (3) and (4).

Reasons: Part of the information currently in WAC 356-22-080 is being moved to WAC 356-34-090 (the chapter on hearings).

Responsibility for Drafting: D. J. Patin, Personnel Analyst, Department of Personnel, 825 East Fifth, Mailstop EY-11, Olympia, WA 98504, phone 586-1769; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 87, filed 5/4/76)

WAC 356-22-080 APPLICATIONS—DISQUALIFICATION—NOTICE REQUIREMENTS. ((+)) Disqualified applicants or applicants who are not admitted to an examination shall be promptly notified by mail ((to)) at their last known address. Applicants shall ((be notified of)) have the right to request a ((hearing of)) review by the director ((within fifteen calendar days of notice of rejection)) of personnel as provided in WAC 356-34-090.

(((2) The hearing will be informal and conducted by the director, or designee. The hearing date will be scheduled within ten calendar days following receipt of the request.

(3) Applicants shall be notified of the hearing date and place at least ten calendar days in advance of the hearing date. Attendance of other interested parties may be limited by the director if good order, justice, and fairness will be promoted. Applicants shall be notified of the director's decision within five calendar days following the hearing.

(4) Unfavorable decisions of the director shall be appealable to the board.))

WSR 86-04-044

PROPOSED RULES

DEPARTMENT OF PERSONNEL

(Personnel Board)

[Filed January 31, 1986]

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 Disciplinary actions—Appeals, amending chapter 356-34 WAC;

that the agency will at 10:00 a.m., Thursday, March 13, 1986, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150 and 41.06.430.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 30, 1986

By: Leonard Nord
Secretary

STATEMENT OF PURPOSE

Amending chapter 356-34 WAC.

WAC 356-34-085 Appeals—Notice of hearing—Hearing officers recommended decisions—Board hearings and decisions.

Purpose: To establish the procedure for filing a disciplinary appeal to the Personnel Board or hearings officer.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: To repeal rule because the Personnel Board no longer uses hearings officers and no longer hears disciplinary appeals.

WAC 356-34-090 Protests—Requirements for applicants and eligibles.

Purpose: To determine an applicant, examinee, or eligible the right to an appeal.

Statutory Authority: RCW 41.06.150.

Summary: To add procedures governing the review of protests filed by applicants, examinee and eligibles.

Reasons: The current rule does not specify a time limit for appeals to the Personnel Board after an adverse determination by the director or designee.

WAC 356-34-10501 Hearings officers.

Purpose: The requirements to appoint persons as hearings officers and to determine authority of hearings officers in appeals.

Statutory Authority: RCW 41.06.150.

Summary: Repeal rule.

Reasons: The Personnel Board no longer uses hearings officers.

WAC 356-34-110 Appeals—Board hearings—Procedure—Record.

Purpose: Determines the procedures in which the Personnel Board or hearings officer conducts appeal hearings.

Statutory Authority: RCW 41.06.150.

Summary: To update procedures. Housekeeping changes.

Reasons: Some of the information in this rule is outdated and extraneous.

WAC 356-34-113 Prehearing procedures—Exhibits and possible stipulations—Witnesses; and 356-34-118 Hearings—Continuances.

Purpose: Outlines prehearing procedures in relation to exhibits, witnesses, stipulations and hearing continuances.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: These are housekeeping changes because the Personnel Board no longer uses hearings officers.

WAC 356-34-120 Appearance and practice before the board.

Purpose: Distinguishes who may appear before the board or hearings officer in a representative capacity.

Statutory Authority: RCW 41.06.150.

Summary: Repeal rule.

Reasons: The Personnel Board no longer hears disciplinary appeals.

WAC 356-34-140 Ethical conduct before the board.

Purpose: To establish ethical conduct for all persons appearing in proceedings before the board or hearings officers.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: This is a housekeeping change because the Personnel Board no longer uses hearings officers.

WAC 356-34-150 Computation of time on service of papers.

Purpose: Distinguishes that any computing of time, prescribed or allowed by the board, will not include a Sunday or a legal holiday.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: This is a general housekeeping change. Since the current rule specifies only Sundays and legal holidays, Saturdays need to be added.

WAC 356-34-160 Service of process.

Purpose: To determine if the Personnel Board or parties filing notice, has the responsibility of serving all orders, notices or other issued papers.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: To delete outdated information because the Personnel Board no longer hears disciplinary appeals.

WAC 356-34-210 Quashing; and 356-34-220 Orders for discovery.

Purpose: Determines the board has authority to quash the subpoena and issue orders for discovery.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: This is a housekeeping change because the Personnel Board no longer hears disciplinary appeals.

WAC 356-34-230 Proof of charges.

Purpose: Determines which party has the responsibility to show the burden of proof.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: This is a housekeeping change because the Personnel Board no longer hears disciplinary appeals.

WAC 356-34-250 Appeals—Restoration of rights and benefits.

Purpose: States the Personnel Board will be responsible to return rights and benefits, after an appeal, to employees where the circumstances warrant this.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Repeal rule because the Personnel Board no longer hears disciplinary appeals.

WAC 356-34-260 Appeals—Correction of rating.

Purpose: Determines the board will be responsible for final determination in rating corrections.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Housekeeping change to clarify that this rule refers to the Personnel Board.

WAC 356-34-270 Appeals—To superior court—Filing period and reasons; 356-34-280 Filing of court appeals; 356-34-290 Appeals—Transcript preparation and cost for court hearings; and 356-34-300 Appeals—Court hearing—Consideration of record.

Purpose: These rules establish the process in which to file appeals with the superior court.

Statutory Authority: RCW 41.06.150.

Summary and Reasons: Repeal rules because the Personnel Board no longer hears disciplinary appeals.

Responsibility for Drafting: D. J. Patin, Department of Personnel, 600 South Franklin, Mailstop FE-11, Olympia, WA 98504, phone 321-1769 scan; Implementation: All state agencies; and Enforcement: Department of Personnel.

Proposed by: Department of Personnel, governmental agency.

AMENDATORY SECTION (Amending Order 87, filed 5/4/76, effective 6/5/76)

WAC 356-34-090 PROTESTS—REQUIREMENTS FOR APPLICANTS—EXAMINEES AND ELIGIBLES. ~~((An applicant whose application has been rejected or having been admitted to an examination feels the score or examination unfair, in error, not applied or arrived at uniformly, or an eligible whose name has been removed from the register may appeal, provided he/she has submitted a written request for review by the director within 15 calendar days following notification of the results.))~~ (1) An applicant whose application has been rejected; an examinee who feels the score or examination is unfair, in error, not applied or arrived at uniformly; or an eligible whose name has been removed from the register may request a review by the director of personnel or designee. The request must be in writing and filed at the director of personnel's office within fifteen calendar days following notification of the application rejection, examination score, or removal from the register. Within ten calendar days following receipt of the request, a staff member of the department of personnel will contact the requestor to determine if the matter can be resolved administratively. If the matter cannot be resolved, or if the requestor cannot be contacted, the request will be returned immediately to the director of personnel or designee for processing.

(2) The director of personnel or designee shall notify the party requesting a review of the date and place of the review at least ten calendar days prior to the review. The review shall be informal and conducted by the director of personnel or designee. The director of personnel or designee may limit attendance of other interested parties if good order, justice, and fairness will be promoted. Within ten calendar days following the review and the receipt of any additional necessary information, the director of personnel or designee shall issue a written determination and send a copy to each of the participating parties.

(3) An adversely affected party may request a hearing of the personnel board to review the determination of the director of personnel or designee. The request for a personnel board hearing must be in writing and filed at the director of personnel's office within fifteen calendar days following notification of the director's or designee's determination. A hearing before the personnel board shall be scheduled and each party shall be afforded not less than ten calendar days' notice of the hearing unless all parties agree to waive such notice. The personnel board will issue a written decision which will be final.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76, effective 7/31/76)

WAC 356-34-110 ~~((APPEALS—))~~ PERSONNEL BOARD HEARINGS—PROCEDURE—RECORD. (1) Hearings ~~((on all appeals))~~ before the personnel board shall be open to the public, except for cases in which the board ~~((or hearings officer))~~ determines there is substantial reason for not having an open hearing, or in cases where the ~~((employee))~~ appellant so requests ~~((; and))~~. Hearings shall be informal with technical rules of evidence not applying to the proceedings, except for the rules of privilege recognized by law.

(2) Hearings may be conducted by only two members of the board, provided that if the two members cannot agree on a decision, a second hearing shall be held in the presence of all three members of the board.

(3) All parties may ~~((select representatives of their choosing (subject to the provisions of WAC 356-34-120 and 356-34-130);))~~ present and cross-examine witnesses, and give evidence before the board ~~((or hearings officer)).~~

~~((Members of)) (4) The board ((or the hearings officer)) may, and shall at the request of either party, issue subpoenas duces tecum. All testimony shall be on oath administered by a member of the board ((or hearings officer. The board or hearings officer shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and, if the evidence warrants, punish such refusal in the same manner and to the same extent as for contempt committed before or in connection with the proceedings of the court)).~~

(5) The board ((or hearings officer)) shall ((prepare)) keep an official record of the hearing, including all testimony recorded manually or by mechanical device, and exhibits. ~~((The board or hearings officer shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge. Payment of the cost of a transcript used on appeal shall await determination of the appeal and shall be made by the employing agency if the employee prevails.))~~

AMENDATORY SECTION (Amending Order 175, filed 9/22/82)

WAC 356-34-113 PREHEARING PROCEDURES—EXHIBITS AND POSSIBLE STIPULATIONS—WITNESSES. (1) At any hearing before the personnel board when exhibits of a documentary character are offered into evidence, the party offering the exhibit shall provide a minimum of six copies(;;): One each for the opposing ~~((party(ies))) parties, for the personnel board members ((or hearings officer copies; one each for the opposing party(ies); for the personnel board members or hearings officer)), for the court reporter, if any, and for the personnel board's hearings coordinator.~~

(2) The parties shall arrive at the hearing location in sufficient time before the time scheduled for the hearing for the purpose of exchanging copies of exhibits to be introduced. Whenever practicable, the parties shall have the exhibits which they intend to offer into evidence premarked for identification by the personnel board's hearings coordinator before the scheduled time for commencement of the hearing.

(3) Whenever practicable, the parties should discuss the possibility of obtaining stipulations, admissions of facts and of documents prior to the hearing. If a particular matter appears from the file to be complex, or if the parties so request, the personnel board may request its hearings coordinator to meet with the parties prior to the day set for the hearing to discuss the possibility of obtaining stipulations, admissions of fact and of documents, and simplification of issues. The personnel board will not make such a request on its own motion unless all parties are appearing through representatives.

(4) Whenever practicable, the parties should exchange lists of witnesses prior to the day set for the hearing.

AMENDATORY SECTION (Amending Order 177, filed 10/26/82)

WAC 356-34-118 HEARINGS—CONTINUANCES. Upon receipt of a notice of hearing, or as soon thereafter as circumstances necessitating a continuance come to its knowledge, any party desiring to continue the hearing to a later date shall make a request for continuance to the personnel board ~~((or hearing examiner)).~~ All continuance requests shall be in writing and, in detail, shall specify the reasons the continuance is necessary. In passing upon a request for continuance, the personnel board ~~((or hearing examiner,))~~ shall consider whether the request was promptly and timely made. For good cause shown, the personnel board ~~((or hearing examiner,))~~ may grant a continuance and may at any time order a continuance on its ~~((or his/her))~~ own motion.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76, effective 7/31/76)

WAC 356-34-140 ETHICAL CONDUCT BEFORE THE PERSONNEL BOARD. All persons appearing in proceedings before the personnel board ~~((or hearings officer))~~ in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any such person does not conform to these standards, the board ~~((or hearings officer))~~ may decline to permit such person to appear in a representative capacity.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-34-150 COMPUTATION OF TIME ~~((ON SERVICE OF PAPERS)).~~ The day of the act, event, or default after which the designated period of time begins to run is not to be included in

computing any period of time prescribed or allowed by the board rules, by order of the board, or by any applicable statute. The last day of the period so computed is to be included unless it is a Saturday, Sunday, or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays, and legal holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-34-160 SERVICE OF PROCESS. (1) The personnel board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the personnel board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel ~~((; provided that this rule shall not constitute an amendment to WAC 356-34-020 through 356-34-060 and 356-34-080 and 356-34-100)).~~ Service of papers shall be made either personally or by ~~((registered))~~ first class or certified mail ~~((unless otherwise provided by law)).~~

(3) Service upon parties shall be regarded as complete when personnel service has been accomplished; or by mail upon deposit in the United States mail properly stamped and addressed.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76, effective 7/31/76)

WAC 356-34-210 QUASHING. Upon motion promptly made by a party or by the person to whom the subpoena is directed and upon notice to the party who issued the subpoena, the personnel board ~~((or hearings officer))~~ may:

- (1) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue, or
- (2) Condition denial of the motion upon just and reasonable conditions.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76, effective 7/31/76)

WAC 356-34-220 ORDERS FOR DISCOVERY. The personnel board ~~((or hearings officer))~~ may issue orders for discovery by analogy to the superior court rules or the requirements of justice.

AMENDATORY SECTION (Amending Order 89, filed 6/30/76, effective 7/31/76)

WAC 356-34-230 PROOF OF CHARGES. At any hearing ~~((on appeal from a disciplinary action, the appointing authority shall have the burden of supporting the charges upon which the action was initiated. At any other hearing))~~ before the personnel board, the party seeking relief or filing ~~((the appeal))~~ charges shall have the burden of proof.

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-34-260 APPEALS—CORRECTION OF RATING. A correction of a rating shall not affect a certification or appointment which has already been made from the register. The decision of the personnel board in these matters shall be final.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 356-34-085 APPEALS—NOTICE OF HEARING—HEARINGS OFFICERS RECOMMENDED DECISIONS—BOARD HEARINGS AND DECISIONS.

WAC 356-34-10501 HEARINGS OFFICERS.

WAC 356-34-120 APPEARANCE AND PRACTICE BEFORE THE BOARD.

WAC 356-34-250 APPEALS—RESTORATION OF RIGHTS AND BENEFITS.

WAC 356-34-270 APPEALS—TO SUPERIOR COURT—FILING PERIOD AND REASONS.

WAC 356-34-280 FILING OF COURT APPEALS.
 WAC 356-34-290 APPEALS—TRANSCRIPT PREPARATION AND COST FOR COURT HEARINGS.
 WAC 356-34-300 APPEALS—COURT HEARING—CONSIDERATION OF RECORD.

WSR 86-04-045**NOTICE OF PUBLIC MEETINGS
WHATCOM COMMUNITY COLLEGE**

[Memorandum—January 29, 1986]

The board of trustees of Whatcom Community College, District Number Twenty-One, will hold a special meeting at the following time and place: February 4, 1986, 4:00 p.m., Northwest 2, Whatcom Community College, 5217 Northwest Road, Bellingham, WA 98226.

WSR 86-04-046**PROPOSED RULES
DEPARTMENT OF COMMUNITY DEVELOPMENT**

[Filed January 31, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning the conditions and procedures under which state funds will be made available to assist local food banks and food distribution centers;

that the agency will at 2 - 4 p.m., Tuesday, March 18, 1986, in the Fifth Floor Conference Room, Department of Community Development, 9th and Columbia Building, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.63A.060 and chapter 34.04 RCW.

The specific statute these rules are intended to implement is section 217, chapter 6, Laws of 1985 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1986.

Dated: January 31, 1986

By: Chuck Clarke
Deputy Director**STATEMENT OF PURPOSE**

Title: Chapter 365-130 WAC, State funding of local emergency food programs.

These rules are adopted under the authority of RCW 43.63A.060 and chapter 34.04 RCW.

These rules are intended to implement section 217, chapter 6, Laws of 1985 1st ex. sess.

Summary of Rule and Reasons Supporting Proposed Action: This chapter sets forth the conditions and procedures under which state funding will be made available to assist local emergency food assistance programs.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth

and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Organization Proposing Rule: Department of Community Development.

Agency Comments or Recommendations: None.

Rule Necessary as the Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

Chapter 365-130

STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS**WAC**

365-130-010	Authority.
365-130-020	Purpose.
365-130-030	Definitions.
365-130-040	Grantee Funding Allocation.
365-130-050	Applicant Eligibility Criteria.
365-130-060	Financial Support Application Process.

NEW SECTION

WAC 365-130-010 AUTHORITY. These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. The program which these rules are designed to implement is found in section 217, chapter 6, laws of 1985, 1st ex. sess.

NEW SECTION

WAC 365-130-020 PURPOSE. The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency food programs.

NEW SECTION

WAC 365-130-030 DEFINITIONS. (1) "Department" means the Department of Community Development.

(2) "Director" means the Director of the Department of Community Development.

(3) "Food Bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food Distribution Center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity Program" means a program that primarily distributes USDA Surplus Commodities to clients.

(6) "Emergency Food Assistance Program" means the statewide administrative activities carried out within the Department of Community Development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a private nonprofit organization, which applies for state emergency food assistance.

(8) "Grantee" means an applicant which has been awarded state funds under the Emergency Food Assistance Program, and which has entered into a contract with the Department of Community Development to provide emergency food assistance to individuals.

(9) "Lead Organization Grantee" means a Grantee which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious Service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

NEW SECTION

WAC 365-130-040 GRANTEE FUNDING ALLOCATION AND AWARD OF CONTRACTS. \$475,000 for FY 1986 and \$475,000 for FY 1987 has been allocated to food banks and food distribution centers statewide by the legislature.

(1) 60 percent of total funds shall be provided to Food Banks by county according to the following formula:

(a) Two thousand dollars (\$2,000) minimum allocation to a private nonprofit organization in every county for Food Banks to offset the limited resources and higher costs of providing services in rural areas.

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(2) 40 percent of total funds shall be provided to Food Distribution Centers by county according to the following formulas:

(a) Two thousand dollars (\$2,000) minimum allocation to a private nonprofit organization in every county for Food Distribution Centers to offset the limited resources and higher costs of providing services in rural areas;

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(3) The Department may award the combined allocation for two or more counties to a single Applicant.

(4) The Department shall award a Food Bank contract to one Lead Organization Grantee in each county, with the exception of Pierce, Snohomish, and Spokane Counties where there may be two Lead Organization Grantees, and King County, where there may be three Lead Organization Grantees to administer subcontracts with one or more local providers of emergency Food Bank services.

(5) The Department shall award a contract to Food Distribution Centers which are designated by the Emergency Food Assistance Program and the Food Bank Lead Organization Grantees.

(6) The Department shall pay for services provided under the Emergency Food Assistance Program after the Grantee submits a monthly report of expenditures incurred and a request for reimbursement.

(7) In the event that funds are not claimed by a eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the Emergency Food Assistance Program Task Force will determine a method for reallocation of those funds at its April, 1986 meeting.

NEW SECTION

WAC 365-130-050 APPLICANT ELIGIBILITY CRITERIA.

(1) The Applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, or have a sponsor providing 501(c)3 status.

(2) The Applicant must not require participation in a religious service as a condition of receiving emergency food.

(3) The Applicant must provide food to individuals in an emergency, regardless of residency.

(4) The Applicant must practice non-discrimination in providing services and employment.

(5) The Applicant must not deny food to an individual because of his or her inability to pay.

(6) Applicants must have had a Food Bank program or Food Distribution Center in operation for one year, except in areas with unmet need.

NEW SECTION

WAC 365-130-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) Potential Applicants will be notified by the Department that in order to be considered for state emergency food financial assistance, an application must be submitted to the Department.

(2) An Applicant must make formal application using forms issued and procedures established by the Department. Such application shall be for the period July 1 - June 30, except for the first year, which will be for January 1, 1986 - June 30, 1986, for Food Banks, and February 1, 1986 - June 30, 1986, for Food Distribution Centers. Failure of an Applicant to make application in a timely manner, as specified by the Department, may result in denial of the funding request.

(3) Department funds may not supplant other existing funding sources.

(4) The total amount of funds provided to a Grantee under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.

(5) Administrative costs under this program are limited to five percent of the total award for providing direct emergency food assistance services. The administrative costs of a Lead Organization Grantee are limited to five percent of the organization's award for providing direct services plus five percent of the multi-agency service provider contract total.

(6) The department shall notify successful Applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the Applicant and must be returned to the Department prior to the award of any funds under this program.

(7) Department funds may not be used to defray costs of distributing USDA Commodities under the Commodity Program.

WSR 86-04-047

EMERGENCY RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 85-15—Filed January 31, 1986]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Olympia, Washington, the annexed rules relating to the conditions and procedures under which state funds will be made available to assist local food banks and food distribution centers.

I, Chuck Clarke, 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 legislature has directed the department to implement a program of state funding assistance for local food banks and food distribution centers. (Section 217, chapter 6, Laws of 1985 1st ex. sess.) The need for food by these programs is ever present. The implementation of this program will help food banks and food distribution centers provide critical assistance to individuals in need of food.

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

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in RCW 43.63A.060 and chapter 34.04 RCW.

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

APPROVED AND ADOPTED January 31, 1986.

By Chuck Clarke
Deputy Director

Chapter 365-130

STATE FUNDING OF LOCAL EMERGENCY FOOD PROGRAMS

WAC

365-130-010 Authority.

365-130-020	Purpose.
365-130-030	Definitions.
365-130-040	Grantee Funding Allocation.
365-130-050	Applicant Eligibility Criteria.
365-130-060	Financial Support Application Process.

NEW SECTION

WAC 365-130-010 **AUTHORITY.** These rules are adopted under the authority of RCW 43.63A.060 which provides that the director shall make such rules and regulations and do all other things necessary and proper to carry out the purposes of chapter 43.63A RCW. RCW 43.63A.065(2) provides that among its functions and responsibilities the department shall administer state and federal grants and programs which are assigned to the department by the governor or the legislature. The program which these rules are designed to implement is found in section 217, chapter 6, laws of 1985, 1st ex. sess.

NEW SECTION

WAC 365-130-020 **PURPOSE.** The purpose of this chapter is to set forth the conditions and procedures under which state funding will be made available to assist local emergency food programs.

NEW SECTION

WAC 365-130-030 **DEFINITIONS.** (1) "Department" means the Department of Community Development.

(2) "Director" means the Director of the Department of Community Development.

(3) "Food Bank" means a site where food is collected and distributed to clients at no charge.

(4) "Food Distribution Center" means a site where food is collected, warehoused, and distributed to food banks without charge on a regional, county, or statewide basis.

(5) "Commodity Program" means a program that primarily distributes USDA Surplus Commodities to clients.

(6) "Emergency Food Assistance Program" means the statewide administrative activities carried out within the Department of Community Development to allocate, award, and monitor state funds appropriated to assist local food banks and food distribution centers.

(7) "Applicant" means a private nonprofit organization, which applies for state emergency food assistance.

(8) "Grantee" means an applicant which has been awarded state funds under the Emergency Food Assistance Program, and which has entered into a contract with the Department of Community Development to provide emergency food assistance to individuals.

(9) "Lead Organization Grantee" means a Grantee which may subcontract with one or more local organizations to provide emergency food assistance to individuals.

(10) "Religious Service" means any sectarian or nondenominational service, rite, or meeting that involves worship of a higher being.

NEW SECTION

WAC 365-130-040 **GRANTEE FUNDING ALLOCATION AND AWARD OF CONTRACTS.** \$475,000 for FY 1986 and \$475,000 for FY 1987 has been allocated to food banks and food distribution centers statewide by the legislature.

(1) 60 percent of total funds shall be provided to Food Banks by county according to the following formula:

(a) Two thousand dollars (\$2,000) minimum allocation to a private nonprofit organization in every county for Food Banks to offset the limited resources and higher costs of providing services in rural areas.

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(2) 40 percent of total funds shall be provided to Food Distribution Centers by county according to the following formulas:

(a) Two thousand dollars (\$2,000) minimum allocation to a private nonprofit organization in every county for Food Distribution Centers to offset the limited resources and higher costs of providing services in rural areas;

(b) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the state's population with an income of one hundred twenty five percent of poverty using federal guidelines; and

(c) Fifty percent of the remaining funds distributed proportionally based on each county's percent of the unemployed population during the last state fiscal year.

(3) The Department may award the combined allocation for two or more counties to a single Applicant.

(4) The Department shall award a Food Bank contract to one Lead Organization Grantee in each county, with the exception of Pierce, Snohomish, and Spokane Counties where there may be two Lead Organization Grantees, and King County, where there may be three Lead Organization Grantees to administer subcontracts with one or more local providers of emergency Food Bank services.

(5) The Department shall award a contract to Food Distribution Centers which are designated by the Emergency Food Assistance Program and the Food Bank Lead Organization Grantees.

(6) The Department shall pay for services provided under the Emergency Food Assistance Program after the Grantee submits a monthly report of expenditures incurred and a request for reimbursement.

(7) In the event that funds are not claimed by a eligible organization in a county or that a portion of the funds allocated to a county remain unspent, the Emergency Food Assistance Program Task Force will determine a method for reallocation of those funds at its April, 1986 meeting.

NEW SECTION

WAC 365-130-050 APPLICANT ELIGIBILITY CRITERIA. (1) *The Applicant must have a certified form from the IRS stating nonprofit status under section 501(c)3, or have a sponsor providing 501(c)3 status.*

(2) *The Applicant must not require participation in a religious service as a condition of receiving emergency food.*

(3) *The Applicant must provide food to individuals in an emergency, regardless of residency.*

(4) *The Applicant must practice non-discrimination in providing services and employment.*

(5) *The Applicant must not deny food to an individual because of his or her inability to pay.*

(6) *Applicants must have had a Food Bank program or Food Distribution Center in operation for one year, except in areas with unmet need.*

NEW SECTION

WAC 365-130-060 FINANCIAL SUPPORT APPLICATION PROCESS. (1) *Potential Applicants will be notified by the Department that in order to be considered for state emergency food financial assistance, an application must be submitted to the Department.*

(2) *An Applicant must make formal application using forms issued and procedures established by the Department. Such application shall be for the period July 1 - June 30, except for the first year, which will be for January 1, 1986 - June 30, 1986, for Food Banks, and February 1, 1986 - June 30, 1986, for Food Distribution Centers. Failure of an Applicant to make application in a timely manner, as specified by the Department, may result in denial of the funding request.*

(3) *Department funds may not supplant other existing funding sources.*

(4) *The total amount of funds provided to a Grantee under this program may not exceed the total funding received from other sources for emergency food services during the fiscal year.*

(5) *Administrative costs under this program are limited to five percent of the total award for providing direct emergency food assistance services. The administrative costs of a Lead Organization Grantee are limited to five percent of the organization's award for providing direct services plus five percent of the multi-agency service provider contract total.*

(6) *The department shall notify successful Applicants and shall provide to each of them a contract for signature. This contract must be signed by an official with authority to bind the Applicant and must be returned to the Department prior to the award of any funds under this program.*

(7) *Department funds may not be used to defray costs of distributing USDA Commodities under the Commodity Program.*

**WSR 86-04-048
PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed February 3, 1986]

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 Manufacturer's on site vending appointment—Qualifications, new section WAC 314-37-020;

that the agency will at 9:30 a.m., Thursday, March 13, 1986, in the Offices of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.050(2).

The specific statute these rules are intended to implement is RCW 66.24.170 and 66.24.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: February 3, 1986

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-37-020 Manufacturer's on site vending appointment—Qualifications.

Description of Purpose: To allow domestic wineries, which also manufacture liquor products other than wine pursuant to a license under Title 66 RCW, to sell those products, under a vendor appointment from the board, on the winery premises.

Statutory Authority: RCW 66.08.050(2).

Statutes Implemented by the Rule: RCW 66.24.170 and 66.24.150.

Summary of Rule: This rule spells out the qualifications for the appointment of a domestic winery as a vendor for the purpose of selling liquor products of its own manufacture (other than wine) on the winery premises. It provides for a contractual agreement between the board and the winery which is required to contain certain provisions. All sales made under the manufacturer's on site vending appointment are subject to all applicable state taxes and shall be made at such prices as are established by the board for sales of the same liquor product through state liquor stores and agencies.

Reason Supporting Proposed Action: Domestic wineries currently sell, at retail, wine of their own production on the winery premises. Recently, at least one domestic winery has begun producing a liqueur under a manufacturer's license in addition to producing wine under its winery license. Because the liqueur is not wine by definition, a special appointment from the board is required to permit sale of this item at retail to visitors to the winery. Such sales will be mainly for promotional purposes and will assist the industry in developing the market for the liqueur.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This action was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This rule should have no negative cost impact and should have a positive effect on the business of the wineries who qualify for and receive on site vending appointments.

NEW SECTION

WAC 314-37-020 MANUFACTURER'S ON SITE VENDING APPOINTMENT—QUALIFICATIONS. (1) Pursuant to RCW 66.08.050, the board, in its discretion, may appoint a domestic winery which also manufactures liquor products other than wine pursuant to a license under Title 66 RCW, as a vendor for the purpose of sale of liquor products of its own manufacture on the winery premises only.

(2) Such appointment may not be made to domestic wineries located inside incorporated cities or towns in which there is a state liquor store.

(3) Such appointment shall only be made after a contract has been entered into between the board and the domestic winery. Such contract shall contain the following:

(a) A designation of the location on the winery premises from which the sales will be made,

(b) A designation of the non-wine products manufactured by the winery which will be sold under the appointment.

(c) That the manufacturer/vendor shall not be considered an employee of the state for any purpose,

(d) That the manufacturer/vendor shall agree to hold the state harmless from any and all claims resulting from operation of the manufacturer's on site vendorship, and

(e) Such other aspects of the appointment relationship as the parties may agree to.

(4) All sales made under a manufacturer's on site vending appointment shall be made at the prices established by the board for sales of the same product through state liquor stores and agencies.

(5) All sales made under a manufacturer's on site vending appointment shall be subject to all applicable state taxes.

WSR 86-04-049
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed February 3, 1986]

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 treating, repealing WAC 314-16-100;

that the agency will at 9:30 a.m., Tuesday, March 11, 1986, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.08.030 and 66.98.070.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: February 3, 1986

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-100 Treating.

Description of Purpose: The present rule prohibits a liquor licensee from giving away liquor through the custom of treating or setting them up on the house. Giving a patron a free drink on special occasions such as birthdays is an accepted practice in other states and a common practice in this state, though a violation of the rule. Additionally, it is a common practice for a licensee to give a customer a complimentary drink when service is poor or a meal is improperly prepared. The repeal of this rule will permit licensees to do legally that which is commonly accepted practice in the industry.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.030 and 66.98.070.

Summary of Rule: Repeal would remove the prohibition against giving away free liquor.

Reason Supporting Proposed Action: It is a common practice in this state and other states to give customers free liquor on special occasions and under certain circumstances and does not appear to create control problems. Enforcement of the rule is not cost effective for board personnel and it no longer appears to serve a useful purpose.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact. While the rule would permit "treating" it would not require it. Also, no new paperwork requirements are added only the rule repeal.

REPEALER

The following section of the Washington Administrative Code is repealed.

WAC 314-16-100 TREATING.

WSR 86-04-050
EMERGENCY RULES
DEPARTMENT OF AGRICULTURE
[Order 1879—Filed February 3, 1986]

I, C. Alan Pettibone, director of the Department of Agriculture, do promulgate and adopt at Olympia,

Washington, the annexed rules relating to brucellosis in cattle, chapter 16-86 WAC.

I, C. Alan Pettibone, 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 as a result of amendments to chapter 16.36 RCW enacted in 1985, that statute now provides the minimum amounts to be paid to livestock owners when the director of agriculture finds it necessary to order their cattle slaughtered or destroyed due to a brucellosis infection. The law also provides that the actual amounts to be paid will be set by rule. This emergency rule will confirm that the current amounts to be paid will remain the same as the minimum amounts set by law.

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

This rule is promulgated pursuant to RCW 16.36.096 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 3, 1986.

By C. Alan Pettibone
Director

AMENDATORY SECTION (Amending Order 1660, filed 11/25/79 [10/26/79])

WAC 16-86-092 INDEMNITY FOR BRUCellosIS ((INFECTED)) AFFECTED OR EXPOSED CATTLE. ((All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director. PROVIDED, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim. PROVIDED FURTHER, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis.)) As provided under RCW 16.36.096, the director of agriculture may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female.

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

**WSR 86-04-051
PROPOSED RULES
DEPARTMENT OF AGRICULTURE**

[Filed February 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Agriculture intends to adopt, amendment, or repeal rules concerning indemnity for brucellosis affected or exposed cattle, chapter 16-86 WAC;

that the agency will at 1:00 p.m., Wednesday, March 19, 1986, in the Conference Room, Department of Agriculture, 406 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 March 28, 1986.

The authority under which these rules are proposed is RCW 16.36.096.

The specific statute these rules are intended to implement is RCW 16.36.096.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 19, 1986.

Dated: February 3, 1986

By: Mike Willis
Assistant Director

STATEMENT OF PURPOSE

Title: Brucellosis in cattle.

Description of Purpose: To establish the amounts to be paid by the director of agriculture for cattle ordered slaughtered or destroyed due to brucellosis infection.

Statutory Authority: RCW 16.36.096.

Specific Statute Rule is Intended to Implement: RCW 16.36.096.

Summary of Rule: Will establish varying amounts for grade and purebred cattle to be paid in the form of indemnity to livestock producers for brucellosis-infected cattle ordered slaughtered or destroyed by the director of agriculture.

Reasons Supporting Proposed Action: Amendments to chapter 16.36 RCW in 1985 make it necessary for the exact amounts of indemnity monies which may be paid to livestock producers to be set forth by rules.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mike Willis, Assistant Director, Department of Agriculture, Livestock Services Division, 406 General Administration Building, AX-41, Olympia, WA 98504; and Dr. Rolla C. Sexauer, State Veterinarian, Department of Agriculture, Livestock Services Division, 406 General Administration Building, AX-41, Olympia, WA 98504.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Agriculture.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1660, filed 11/25/79 [10/26/79])

~~WAC 16-86-092 INDEMNITY FOR BRUCELLOSIS ((~~UN-AFFECTED~~)) AFFECTED OR EXPOSED CATTLE. ((~~All cattle in this state classified by the director or his designated representative as brucellosis reactor cattle or brucellosis exposed cattle pursuant to chapter 16.40 RCW, shall have a valid claim for indemnity subject to the approval of the director. PROVIDED, That such animals were not imported into the state within the six months immediately preceding such classification and indemnity claim. PROVIDED FURTHER, That owners of brucellosis reactor cattle or brucellosis exposed cattle for which indemnity is claimed shall have complied with the department's change of ownership testing program and shall have implemented a brucellosis vaccination program which at the time such claim is made the director shall determine is an adequate preventative measure to reduce the incidence of brucellosis.~~)) As provided under RCW 16.36.096, the director of agriculture may order the slaughter or destruction of any cattle affected with or exposed to brucellosis. Subject to the availability of sufficient funds, the director may pay an indemnity for any cattle ordered slaughtered or destroyed. When indemnity is approved, the amount that will be paid is twenty-five dollars for any grade beef breed female, fifty dollars for any purebred registered beef breed bull or female, one hundred dollars for any grade dairy breed female or one hundred fifty dollars for any purebred registered dairy breed bull or female.~~

Reviser's note: The bracketed material preceding the section above was supplied by the code reviser's office.

WSR 86-04-052

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed February 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning ratings and endorsements, amending WAC 390-16-206;

that the agency will at 9 a.m., Tuesday, February 25, 1986, in the Second Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 25, 1986.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1986.

This notice is connected to and continues the matter in Notice No. WSR 85-22-030 filed with the code reviser's office on October 31, 1985.

Dated: February 3, 1986

By: Graham E. Johnson
Executive Director

WSR 86-04-053

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed February 3, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Public Disclosure Commission intends to adopt, amend, or repeal rules concerning:

New WAC 390-18-040 Use of terms "re-elect," "retain," and "return."
Amd WAC 390-32-020 Filing—Fair campaign practices code;

that the agency will at 9 a.m., Tuesday, March 25, 1986, in the Second Floor Conference Room, Evergreen Plaza Building, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 25, 1986.

The authority under which these rules are proposed is RCW 42.17.370(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 25, 1986.

Dated: February 3, 1986

By: Graham E. Johnson
Executive Director

STATEMENT OF PURPOSE

Title: WAC 390-18-040 Use of the terms "re-elect," "retain," and "return."

Description of Purpose: Definition of terms.

Statutory Authority: RCW 42.17.370(1).

Summary of Rule: Defines re-elect, retain and return.

Reasons Supporting Proposed Action: RCW 42.17-.530, passed in the 1984 legislative session, says, in part, "No political advertising may falsely represent that a candidate is an incumbent for the office sought." This rule will provide the commission's interpretation of the new provision with respect to three words frequently used in political advertising. The rule is intended to provide guidance to candidates.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Executive Director.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: PDC.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rules are Necessary as Result of Federal Law or Federal or State Court Action: N/A.

Title: WAC 390-32-020 Filing—Fair campaign practices code.

Description of Purpose: Provides information about the voluntary code of fair campaign practices.

Statutory Authority: RCW 42.17.370(1).

Summary of Rule: Provides information about the voluntary code of fair campaign practices.

Reasons Supporting Proposed Action: Inviting candidates and political committees to indicate on the C-1 form that they do or do not intend to abide by the code

of fair campaign practices when adherence to the code is purely voluntary may be a form of subtle intimidation and pressure to comply. Removing the place on the C-1 for an expression of intent, but leaving language encouraging voluntary compliance, will be more in keeping with the authority given the commission in RCW 42.17.370(7) to "Adopt and promulgate . . ." the code. Action to amend the C-1 form (WAC 390-16-011) has already been completed. This proposed action will make the rules consistent.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Executive Director.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Scott Lewis, Port Angeles.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: N/A.

NEW SECTION

WAC 390-18-040 USE OF THE TERMS "RE-ELECT", "RETAIN", AND "RETURN." (1) The term "re-elect" when used in a political advertisement implies that the candidate is presently holding office, was elected to it, and seeking another term in that same position.

(2) The term "re-elect" may be used in a political advertisement by a non-incumbent candidate who has previously been elected to the position being sought provided that in the same advertisement it is clearly stated that the candidate is not the incumbent.

(3) The term "retain" in a political advertisement implies that the candidate is the incumbent but does not imply that the candidate attained the position by election.

(4) The term "return" in a political advertisement implies that the candidate now holds, or has previously held, the position being sought, but does not imply that the position was attained by election.

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-32-020 **FILING—FAIR CAMPAIGN PRACTICES CODE.** (1) A copy of the code provided in WAC 390-32-010 shall be printed in appropriate campaign reporting instructions made available to candidates and political committees.

~~((2) The PDC Form C-1 registration statement for candidates and political committees shall contain a section wherein the candidate or committee treasurer may indicate an intent to either voluntarily subscribe to the code or not to subscribe to all or a part of the code.~~

~~(3))~~ (2) Neither failure to subscribe to the code nor to complete that section of the C-1 registration statement pertaining to the code shall constitute a violation of chapter 42.17 RCW.

WSR 86-04-054

**ADOPTED RULES
PUGET SOUND**

WATER QUALITY AUTHORITY

[Order 86-01, Resolution No. 4—Filed February 3, 1986]

Be it resolved by the Puget Sound Water Quality Authority, that it does adopt the annexed rules relating to SEPA procedures and policies for the Puget Sound Water Quality Authority, chapter 400-04 WAC. These rules adopt general requirements for environmental review, including timing and limitations on action during

SEPA process and specific requirements regarding categorical exemptions, threshold determinations, the preparation of environmental impact statements, public notice and commenting, use of existing environmental documents and SEPA and agency decisions.

This action is taken pursuant to Notice No. WSR 85-22-075 filed with the code reviser on November 6, 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 43.21C.120 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 15, 1986.

By Katherine Fletcher
Chair

**Chapter 400-04 WAC
PUGET SOUND WATER QUALITY AUTHORITY
STATE ENVIRONMENTAL POLICY ACT PRO-
CEDURES**

WAC

- 400-04-010 Authority.
- 400-04-020 Adoption by reference.
- 400-04-040 Additional definitions.
- 400-04-504 Availability of environmental documents.
- 400-04-510 Public notice.
- 400-04-680 Appeals.
- 400-04-902 Authority SEPA policies.
- 400-04-910 Designation of responsible official.
- 400-04-995 Severability.

NEW SECTION

✓ WAC 400-04-010 **AUTHORITY.** The Puget Sound water quality authority adopts these procedures under the State Environmental Policy Act (SEPA), RCW 43.21C.120 and the SEPA rules, WAC 197-11-904.

NEW SECTION

✓ WAC 400-04-020 **ADOPTION BY REFERENCE.** The authority hereby adopts by reference the following sections of the 1984 SEPA rules, chapter 197-11 of the Washington Administrative Code.

PART ONE – PURPOSE/AUTHORITY

- 197-11-030 Policy.

PART TWO – GENERAL REQUIREMENTS

- 197-11-040 Definitions.
- 197-11-050 Lead agency.
- 197-11-055 Timing of the SEPA process.
- 197-11-060 Content of environmental review.

- 197-11-070 Limitations on actions during SEPA process.
- 197-11-080 Incomplete or unavailable information.
- 197-11-090 Supporting documents.
- 197-11-100 Information required of applicants.

PART THREE – CATEGORICAL EXEMPTIONS AND THRESHOLD DETERMINATION

- 197-11-300 Purpose of this part.
- 197-11-305 Categorical exemptions.
- 197-11-310 Threshold determination required.
- 197-11-315 Environmental checklist.
- 197-11-330 Threshold determination process.
- 197-11-335 Additional information.
- 197-11-340 Determination of nonsignificance (DNS).
- 197-11-350 Mitigated DNS.
- 197-11-360 Determination of significance (DS)/ initiation of scoping.
- 197-11-390 Effect of threshold determination.

PART FOUR – ENVIRONMENTAL IMPACT STATEMENT (EIS)

- 197-11-400 Purpose of EIS.
- 197-11-402 General requirements.
- 197-11-405 EIS types.
- 197-11-406 EIS timing.
- 197-11-408 Scoping.
- 197-11-410 Expanded scoping. (Optional)
- 197-11-420 EIS preparation.
- 197-11-425 Style and size.
- 197-11-430 Format.
- 197-11-435 Cover letter or memo.
- 197-11-440 EIS contents.
- 197-11-442 Contents of EIS on nonproject proposals.
- 197-11-443 EIS contents when prior nonproject EIS.
- 197-11-444 Elements of the environment.
- 197-11-448 Relationship of EIS to other considerations.
- 197-11-450 Cost-benefit analysis.
- 197-11-455 Issuance of DEIS.
- 197-11-460 Issuance of FEIS.

PART FIVE – COMMENTING

- 197-11-500 Purpose of this part.
- 197-11-502 Inviting comment.
- 197-11-504 Availability and cost of environmental documents.
- 197-11-508 SEPA register.
- 197-11-535 Public hearings and meetings.
- 197-11-545 Effect of no comment.
- 197-11-550 Specificity of comments.
- 197-11-560 FEIS response to comments.
- 197-11-570 Consulted agency costs to assist lead agency.

PART SIX – USING EXISTING ENVIRONMENTAL DOCUMENTS

- 197-11-600 When to use existing environmental documents.
- 197-11-610 Use of NEPA documents.

- 197-11-620 Supplemental environmental impact statement—Procedures.
- 197-11-625 Addenda—Procedures.
- 197-11-630 Adoption—Procedures.
- 197-11-635 Incorporation by reference—Procedures.
- 197-11-640 Combining documents.

PART SEVEN – SEPA AND AGENCY DECISIONS

- 197-11-650 Purpose of this part.
- 197-11-655 Implementation.
- 197-11-660 Substantive authority and mitigation.

PART EIGHT – DEFINITIONS

- 197-11-700 Definitions.
- 197-11-702 Act.
- 197-11-704 Action.
- 197-11-706 Addendum.
- 197-11-708 Adoption.
- 197-11-710 Affected tribe.
- 197-11-712 Affecting.
- 197-11-714 Agency.
- 197-11-716 Applicant.
- 197-11-718 Built environment.
- 197-11-720 Categorical exemption.
- 197-11-722 Consolidated appeal.
- 197-11-724 Consulted agency.
- 197-11-726 Cost-benefit analysis.
- 197-11-728 County/city.
- 197-11-730 Decisionmaker.
- 197-11-732 Department.
- 197-11-734 Determination of nonsignificance (DNS).
- 197-11-736 Determination of significance (DS).
- 197-11-738 EIS.
- 197-11-740 Environment.
- 197-11-742 Environmental checklist.
- 197-11-744 Environmental document.
- 197-11-746 Environmental review.
- 197-11-748 Environmentally sensitive area.
- 197-11-750 Expanded scoping.
- 197-11-752 Impacts.
- 197-11-754 Incorporation by reference.
- 197-11-756 Lands covered by water.
- 197-11-758 Lead agency.
- 197-11-760 License.
- 197-11-762 Local agency.
- 197-11-764 Major action.
- 197-11-766 Mitigated DNS.
- 197-11-768 Mitigation.
- 197-11-770 Natural environment.
- 197-11-772 NEPA.
- 197-11-774 Nonproject.
- 197-11-776 Phased review.
- 197-11-778 Preparation.
- 197-11-780 Private project.
- 197-11-782 Probable.
- 197-11-784 Proposal.
- 197-11-786 Reasonable alternative.
- 197-11-788 Responsible official.
- 197-11-790 SEPA.
- 197-11-792 Scope.
- 197-11-793 Scoping.

- 197-11-794 Significant.
- 197-11-796 State agency.
- 197-11-797 Threshold determination.
- 197-11-799 Underlying governmental action.

PART NINE – CATEGORICAL EXEMPTIONS

- 197-11-800 Categorical exemptions.
- 197-11-880 Emergencies.
- 197-11-890 Petitioning DOE to change exemptions.

PART TEN – AGENCY COMPLIANCE

- 197-11-900 Purpose of this part.
- 197-11-912 Procedures on consulted agencies.
- 197-11-914 SEPA fees and costs.
- 197-11-916 Application to ongoing actions.
- 197-11-918 Lack of agency procedures.
- 197-11-920 Agencies with environmental expertise.
- 197-11-922 Lead agency rules.
- 197-11-924 Determining the lead agency.
- 197-11-926 Lead agency for governmental proposals.
- 197-11-928 Lead agency for public and private proposals.
- 197-11-930 Lead agency for private projects with one agency with jurisdiction.
- 197-11-932 Lead agency for private projects requiring licenses from more than one agency, when one of the agencies is a county/city.
- 197-11-934 Lead agency for private projects requiring licenses from a local agency, not a county/city, and one or more state agencies.
- 197-11-936 Lead agency for private projects requiring licenses from more than one state agency.
- 197-11-938 Lead agencies for specific proposals.
- 197-11-940 Transfer of lead agency status to a state agency.
- 197-11-942 Agreements on lead agency status.
- 197-11-944 Agreements on division of lead agency duties.
- 197-11-946 DOE resolution of lead agency disputes.
- 197-11-948 Assumption of lead agency status.

PART ELEVEN – FORMS

- 197-11-960 Environmental checklist.
- 197-11-965 Adoption notice.
- 197-11-970 Determination of nonsignificance (DNS).
- 197-11-980 Determination of significance and scoping notice (DS).
- 197-11-985 Notice of assumption of lead agency status.
- 197-11-990 Notice of action.

NEW SECTION

✓ WAC 400-04-040 **ADDITIONAL DEFINITIONS.** (1) "Authority" shall mean the agency of the Puget Sound water quality authority consisting of the

seven-member authority appointed by the governor and/or agency staff.

(2) "Chair" shall mean the authority member appointed by the governor as chair of the authority.

NEW SECTION

✓ WAC 400-04-504 **AVAILABILITY OF ENVIRONMENTAL DOCUMENTS.** There shall be established at the offices of the authority a file containing all official authority SEPA documents. Agencies and the public shall have access to this file.

NEW SECTION

✓ WAC 400-04-510 **PUBLIC NOTICE.** When these rules require notice to be given under this section, the authority shall inform the public and other agencies that an environmental document is being prepared or is available, and public hearing(s), if any, will be held by the following notice procedures:

(1) Publish notice in at least one newspaper of general circulation in each county, city, or general area in which the proposal is located or which the proposal affects;

(2) Notifying the news media via news releases, public service announcements and personal contact; and

(3) Sending notice to the official authority mailing list. The official authority list shall be kept on file and be available for inspection by the public. Individual members of the authority's advisory bodies shall receive notice.

(4) Any other of the notice procedures listed in WAC 197-11-510, as appropriate.

NEW SECTION

✓ WAC 400-04-680 **APPEALS.** There shall be no administrative appeals of authority SEPA determinations. Any person may informally request, either orally or in writing, the responsible official to reconsider a determination. The official shall reconsider the determination and provide a response, but as this is not a formal appeal as described by RCW 43.21C.075 and WAC 197-11-680, the official is not required to make a record or furnish reasons for the decision. Any informal request to reconsider an authority SEPA determination shall be made within thirty days of the determination.

NEW SECTION

✓ WAC 400-04-902 **AUTHORITY SEPA POLICIES.** The authority adopts by reference the state environmental policy as set forth in SEPA, RCW 43.21C.020. To carry out this policy, the authority will use all practicable means consistent with other essential considerations of state policy to improve and coordinate plans, functions, and resources, and to mitigate adverse impacts resulting from proposals to the end that the state and its citizens may:

(1) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

(2) Assure for all people of Washington safe, healthful, productive, and aesthetically and culturally pleasing surroundings;

(3) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable or unintended consequences;

(4) Preserve important historic, cultural, and natural aspects of our national heritage;

(5) Maintain, wherever possible, an environment which supports diversity and variety of individual choice;

(6) Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;

(7) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources;

(8) Manage public waters and adjacent lands, fisheries, wetlands, and other natural resources wisely.

NEW SECTION

✓WAC 400-04-910 DESIGNATION OF RESPONSIBLE OFFICIAL. The authority's chair, or the chair's designee, shall serve as responsible official.

NEW SECTION

✓WAC 400-04-995 SEVERABILITY. If any provisions of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter, or the application of the provision to other person or circumstances, shall not be affected.

WSR 86-04-055

ADOPTED RULES

PUGET SOUND

WATER QUALITY AUTHORITY

[Order 86-02, Resolution No. 5—Filed February 3, 1986]

Be it resolved by the Puget Sound Water Quality Authority, that it does adopt the annexed rules relating to procedures operations, communications, and public record access for the Puget Sound Water Quality Authority. These rules adopt general requirements for authority meetings, their times and frequency, the voting majorities necessary for decision making, the terms of officers, and how to access the public records of the authority, including an immediate review process for denial of access to those records.

This action is taken pursuant to Notice No. WSR 85-22-076 filed with the code reviser on November 6, 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 42.17.250 through 42.17.320, chapter 451, Laws of 1985, and chapter 90.70 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 January 15, 1986.

By Katherine Fletcher
Chair

Chapter 400-06 WAC
PROCEDURES—OPERATIONS—COMMUNICATIONS—PUBLIC RECORDS

WAC

400-06-010	Purpose.
400-06-020	Definitions.
400-06-030	Authority operations and division procedures.
400-06-050	Puget sound water quality authority officers—Terms.
400-06-060	Puget sound water quality authority—Regular meetings.
400-06-070	Puget sound water quality authority—Description of organization.
400-06-090	Public records available.
400-06-100	Office hours.
400-06-110	Requests for public records.
400-06-120	Copying.
400-06-130	Exemptions.
400-06-140	Review of denials of public records request.
400-06-150	Protection of public records.
400-06-160	Records index.
400-06-170	Communications.
400-06-180	Request for public record—Form.

NEW SECTION

✓WAC 400-06-010 PURPOSE. The purpose of this chapter is to describe the authority, its procedures and operations, communications to ensure compliance by the authority with the provisions of chapter 42.17 RCW (Initiative 276), and in particular, to implement sections 25 through 32 of that act, dealing with public records.

NEW SECTION

✓WAC 400-06-020 DEFINITIONS. (1) The terms "person," "public record," and "writing" shall have the meaning as stated in RCW 42.17.020.

(2) "Authority" means the Puget Sound water quality authority.

(3) "Chair" means the chair of the authority as stated in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW.

(4) "Public records officer" means the authority staff member so designated by the chair.

(5) "Voting member" means the seven members of the authority appointed by the governor.

NEW SECTION

✓WAC 400-06-030 AUTHORITY OPERATIONS AND PROCEDURES. (1) The authority was created by the enactment of chapter 451, Laws of 1985, chapter 90.70 RCW for the principal purpose of establishing a planning mechanism for improving and maintaining the

water quality of Puget Sound. The legislation also provides for a public participation process for the development of the comprehensive water quality management plan for Puget Sound (plan), a biennial state of the sound report, methods for staffing the authority and mechanisms to assure compliance with the plan.

(2) The duties, responsibilities and powers of the authority are set forth in sections 4 through 9 of chapter 451, Laws of 1985, chapter 90.70 RCW. Provisions for establishing the authority and the appointment of members are in section 3, chapter 451, Laws of 1985, chapter 90.70 RCW.

(3) The authority meets at least monthly to consider and act upon major policy matters, planning decisions, and routine business of the authority. All meetings are conducted in accordance with the Open Public Meetings Act (chapter 42.30 RCW) the Administrative Procedures Act (chapter 34.04 and 1.08 RCW), and Robert's Rules of Parliamentary Procedure. Any official action of the authority shall require the affirmative vote of a majority of the voting members present so long as there are at least four voting members present, except that the adoption of the plan and any substantial revision to the plan shall require the affirmative vote of a majority of all voting members of the authority.

NEW SECTION

✓WAC 400-06-050 PUGET SOUND WATER QUALITY AUTHORITY OFFICERS—TERMS. The officers of the authority shall be the chair and the vice-chair. The vice-chair shall be elected by a majority vote of the voting members of the authority and shall serve for a term of one year. The chair of and other members of the authority shall serve for terms as provided in chapter 451, Laws of 1985, chapter 90.70 RCW.

NEW SECTION

✓WAC 400-06-060 PUGET SOUND WATER QUALITY AUTHORITY—REGULAR MEETINGS. Regular meetings of the authority shall be held on the third Wednesday of each calendar month usually beginning at 9:30 a.m. and running until 3:30 p.m. The meetings shall be held at a place designated by the chair of the authority. Provided that, if the authority deems it necessary to meet more or less frequently, the authority shall give notice of those meetings as required by law.

NEW SECTION

✓WAC 400-06-070 PUGET SOUND WATER QUALITY AUTHORITY—DESCRIPTION OF ORGANIZATION. The authority pursuant to section 3, chapter 451, Laws of 1985, chapter 90.70 RCW, is composed of seven members appointed by the governor and confirmed by the senate. The commissioner of public lands and the director of ecology serve as ex-officio, nonvoting members of the authority. The administrative office of the authority and its staff is 217 Pine Street, Suite 1100, Seattle, Washington 98101.

NEW SECTION

✓WAC 400-06-090 PUBLIC RECORDS AVAILABLE. All public records of the agency, as defined in WAC 400-06-020, are deemed to be available for public inspection and copying pursuant to these rules, except as otherwise provided by RCW 42.17.310.

NEW SECTION

✓WAC 400-06-100 OFFICE HOURS. Public records shall be available for inspection and copying during the customary office hours of the agency. For the purposes of this chapter, the customary office hours shall be from 8 a.m. to noon and from 1 p.m. to 5 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

✓WAC 400-06-110 REQUESTS FOR PUBLIC RECORDS. In accordance with requirements of chapter 42.17 RCW that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records may be inspected or copied or copies of such records may be obtained, by members of the public, upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the authority which shall be available at its office. The form shall be presented to the public records officer; or to any member of the authority's staff, if the public records officer is not available, at the office of the agency during customary office hours. The request shall include the following information:

(a) The name, address, telephone numbers, and organization represented, if any, of the person requesting the record;

(b) The time of day and calendar date on which the request was made;

(c) The nature of the request;

(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index; and

(e) If the requested matter is not identifiable by reference to the authority's current index, an appropriate description of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the public records officer or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

NEW SECTION

✓WAC 400-06-120 COPYING. No fee shall be charged for the inspection of public records. The authority shall charge a fee of twenty-five cents per page of copy for providing copies of public records and for use of the authority's copy equipment. This charge is the amount necessary to reimburse the authority for its actual costs incident to such copying.

NEW SECTION

✓WAC 400-06-130 EXEMPTIONS. (1) The authority reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 400-06-110 is exempt under the provisions of RCW 42.17.310.

(2) In addition, pursuant to RCW 42.17.260(1), the authority reserves the right to delete identifying details when it makes available or publishes any public record, in any cases where there is reason to believe that disclosure of such details would be an invasion of personal privacy. The public records officer will fully justify such deletion in writing.

(3) All denials of requests for public records must be accompanied by a written statement specifying the reason for the denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the records withheld.

NEW SECTION

✓WAC 400-06-140 REVIEW OF DENIALS OF PUBLIC RECORDS REQUEST. (1) Any person who objects to the denial of a request for public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the public records officer or other staff member which constituted or accompanied the denial.

(2) Immediately after receiving a written request for review of a decision denying a public record, the public records officer or other staff member denying the request shall refer it to the chair who shall consider the matter and either affirm or reverse such denial. The request shall be returned with a final decision, within two business days following the original denial.

(3) Administrative remedies shall not be considered exhausted until the authority has returned the petition with a decision or until the close of the second business day following denial of inspection, whichever occurs first.

NEW SECTION

✓WAC 400-06-150 PROTECTION OF PUBLIC RECORDS. (1) No person shall knowingly alter, deface, or destroy public records of the authority.

(2) Original copies of public records of the authority shall not be removed from the offices of the authority.

(3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.

(4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.

(5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.

NEW SECTION

✓WAC 400-06-160 RECORDS INDEX. (1) A chronological index is maintained providing identifying

information as to all governmental records issued, adopted, or promulgated on or after August 21, 1985, which are deemed by the authority to fall within the purview of RCW 42.17.260 and which are not exempted under the provisions of RCW 42.17.310.

(2) The current index promulgated by the authority shall be available to all persons under the same rules and on the same rules and on the same conditions as are applied to public records available for inspection.

NEW SECTION

✓WAC 400-06-170 COMMUNICATIONS. All communications regarding the actions or decisions of the authority:

(1) Pertaining to the administration or enforcement of chapter 42.17 or these rules shall be addressed to the Public Records Officer, Puget Sound Water Quality Authority, Suite 1100, 217 Pine Street, Seattle, Washington 98101; and

(2) Relating to the development of the plan shall be addressed to Director of Planning, Puget Sound Water Quality Authority, Suite 1100, 217 Pine Street, Seattle, Washington 98101.

NEW SECTION

✓WAC 400-06-180 REQUEST FOR PUBLIC RECORD—FORM.

STATE OF WASHINGTON
PUGET SOUND WATER QUALITY AUTHORITY
REQUEST FOR PUBLIC RECORD

Date of Request: _____

Requested By: _____

Public Records or Information Requested: _____

Requester Read and Sign:

I understand that I must abide by the rules and regulations published by the Puget Sound Water Quality Authority for the protection of public records, a copy of which I have read and understand.

I understand that I will be charged twenty-five cents per copy for all standard letter size copies I desire and that other size publications are available at cost.

Requester's Signature _____

Completed by Authority Public Records Officer:

Date of Receipt: _____

Number of Copies: _____

Amount Received: \$ _____

Reason if Authority is Unable to Comply: _____

Public Records Officer Signature: _____

Public records of the agency are provided for inspection and copying subject to the following regulations:

- (1) No person shall knowingly alter, deface, or destroy public records of the authority.
- (2) Original copies of public records of the agency shall not be removed from the offices of the authority.
- (3) Care and safekeeping of public records of the authority, furnished pursuant to a request for inspection or copying, shall be the sole responsibility of the requestor.
- (4) Records furnished for public inspection or copying shall be returned in good condition and in the same file sequence or organization as when furnished.
- (5) Boisterous or otherwise disruptive conduct by those requesting public records of the authority shall not be permitted.

I have read, understand, and will comply with the above-stated regulations.

(Signature and date)

WSR 86-04-056
PROCLAMATION NO. 86-01
OFFICE OF THE GOVERNOR

Declaring an Emergency in Northwest Washington

Heavy rains, winds, and warming temperatures caused severe run-off, slides and flooding conditions, threatening life and resulting in destruction and damage to property in northwest Washington State.

The severity and magnitude of the destruction and damages are beyond the capabilities of the affected political subdivisions, thereby constituting an emergency, as defined by the Washington State Comprehensive Emergency Management Plan and the Revised Code of Washington.

NOW, THEREFORE, I, BOOTH GARDNER, Governor of the state of Washington, as a result of the aforementioned situation and under the provisions of Chapter 43.06 RCW and RCW 38.52.060, do hereby proclaim that a State of Emergency exists in Washington State and that the Washington State Comprehensive Emergency Management Plan be executed. The resources of the state of Washington are authorized to be employed to assist affected political subdivisions in a concerted effort to cope with the emergency. Additionally, the Department of Emergency Management is instructed to coordinate all state assistance to the affected areas. The Department is also instructed to determine whether federal disaster assistance is needed.

IN WITNESS WHERE-
OF, I have hereunto set my
hand and caused the seal of
the state of Washington to
be affixed at Olympia this
31st day of January, Nine-
teen Hundred and Eighty-
Six.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Donald F. Whiting

Acting Deputy Secretary of State

WSR 86-04-057
ADOPTED RULES
DEPARTMENT OF ECOLOGY
 [Order DE 86-01—Filed February 4, 1986]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to chapter 173-134A WAC, Quincy ground water subarea management policy; by amending WAC 173-134A-080, Regulation of water of the shallow management unit—Permit requirements; and adding new section WAC 173-134A-085, applicability.

This action is taken pursuant to Notice No. WSR 85-23-078 filed with the code reviser on November 20, 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 43.21A-.060 which directs that the Department of Ecology has authority to implement the provisions of chapters 43-.21A, 43.27A, 90.03, 90.44 and 90.54 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 February 3, 1986.

By Phillip C. Johnson
Deputy Director

AMENDATORY SECTION (Amending Order DE 83-10, filed 6/1/83)

✓ WAC 173-134A-080 REGULATION OF WATERS OF THE SHALLOW MANAGEMENT UNIT—PERMIT REQUIREMENTS. Waters of the shallow management unit shall be subject to the following:

- (1) Applications for withdrawal of public ground waters shall be processed in accordance with the provisions of chapters 90.44 and 90.03 RCW.

The total quantity of withdrawals of public waters, whether authorized by permits and certificates issued

under RCW 90.44.050, 90.44.060 or otherwise, shall not exceed 58,000 acre-feet per year. It appears there may be relatively small amounts of public waters (in the range of not more than 4,000 acre-feet annually) available for appropriation in the shallow management unit. Such small amounts are reserved for withdrawal for domestic and group domestic uses.

(2) No withdrawal of, or construction of any works for the withdrawal of artificially stored ground waters shall be commenced by any person without obtaining permission of the department of ecology. Permission shall be obtained through the issuance of a permit as provided in chapter 173-136 WAC. Application for a permit shall be on a form furnished by the department. In relation to ruling upon any such application, the following shall apply:

(a) Each permit shall be conditioned to ensure that no withdrawal will interfere with the furnishing of adequate supplies of water to the Potholes Reservoir facility of the bureau to satisfy existing and future project needs of the bureau.

(b) Each permit shall be conditioned to ensure that no interference with rights established under state law, previously or in the future, to withdraw public waters or artificially stored ground waters shall be allowed. Rights described herein shall include rights to the (1) maintenance of certain ground water levels to ensure availability and (2) protection of the use ability of certain withdrawal facilities.

(c) To the maximum extent possible, consistent with rights and interest in the ground waters of the Quincy subarea; wildlife, recreation, and other values associated with the general public interest in the ground water in the subarea shall be protected and permits issued hereunder shall be so conditioned.

(d) Permits shall be conditioned such that the well depth shall be no greater than 200 feet into the basalt (the shallow management unit). However, when the total production from the authorized well(s), completed within the shallow management unit does not produce the quantity of water authorized under the permit in gallons per minute, the permittee may apply to the department of ecology for an exemption to the well depth limitation imposed by these regulations. Such an exemption will be granted if reasonable efforts have been made to develop water in the shallow management unit and the proposed deepening will not adversely affect existing rights in the deep management unit. The depth of the well(s) in any event shall not penetrate the top of the Grand Ronde Basalt unit. When an exemption is granted, the department will advise the permittee of the depth to the top of the Grand Ronde Basalt unit at the specific well site(s). The authorized wells must be of adequate diameter and casing wall thickness to accommodate a pump of sufficient capacity to produce the permitted quantity in gallons per minute. Notwithstanding the definitions in WAC 173-134A-040, withdrawals of water subject to exemptions shall be considered as artificially stored ground water.

(e) Each permit shall be conditioned to provide that failure of the permittee to comply with the terms of an executed agreement as described in WAC 173-134A-

130 shall constitute grounds for the department to terminate a permit issued under this subsection.

(f) Applications for permits shall be processed in order of their priority, based on the date of receipt of an application by the department of ecology.

(g) Permits granted herein shall pertain to a specific point(s) of withdrawal, and purpose, and place of use. No assignment of such permits can be made without written approval of the department.

The department may approve amendments to permits granted herein regarding changes in point of withdrawal, purpose, and place of use, if it believes, after investigation, that the amendment will comply with WAC 173-134A-070(1) through (4). Application for amendments provided herein shall be made on forms provided by the department.

Permits for the use of artificially stored ground waters may be amended as to places of use and purpose only to the extent that waters actually have been placed to beneficial use pursuant to the terms of said permits.

(h) No permit shall authorize the withdrawal of waters for agricultural irrigation use for more acres than authorized by federal reclamation law.

(i) Permits issued hereunder shall have no expressed termination date provided, however, the permit shall be modifiable and terminable by the department at any time for good cause in order to accomplish the water management and regulation program of this chapter. Modifications and terminations as provided herein shall be effectuated through the issuance of regulatory orders as described in WAC 173-134A-090.

All permits provided for in chapter 173-136 WAC shall contain development schedules requiring that water be put to beneficial use within a three-year period from the date of issuance. Any permit under which development has not been completed may be perfected to the extent of beneficial use, and cancellation proceedings will be initiated on the remaining undeveloped portion.

(j) By applying for an obtaining a permit hereunder, an applicant expressly waives all other claims of rights to withdraw ground waters of the Quincy subarea for irrigation uses, except as such rights are (1) embodied in a permit or certificate pertaining to public ground waters issued previously by the department of ecology or one of its predecessors or (2) based upon rights established prior to the enactment of chapter 90.44 RCW and are the subject of a claim filed with the department of ecology pursuant to RCW 90.14.041.

(k) There shall be no fee for filing an application for a permit authorized for withdrawal of artificially stored ground waters under this subsection. Said application shall include the names and signatures of all legal owners of the lands proposed for irrigation.

(l) Withdrawals of artificially stored waters authorized by permit under this section shall be limited to a maximum cumulative total of no more than 177,000 acre-feet for each calendar year.

Withdrawals from wells presently drilled into both the shallow and deep management units, covered by an application filed with the department or a license to withdraw water issued by the bureau between May 12, 1967, and February 14, 1974, and which are also subject of a

permit issued under this subsection (2), shall be considered as withdrawals from the shallow management unit.

(m) The duty of water for agricultural irrigation uses shall be not more than 3.5 acre-feet for each acre for each calendar year.

(n) No applications for permits submitted pursuant to WAC 173-134A-080(2) shall be approved for withdrawals of artificially stored ground waters from wells located on lands adjacent to bureau waterways and on lands underlain by ground water that hydraulically responds to changes in the water level of the Potholes Reservoir, which specifically are those lands described in amended department of ecology Order No. 75-54, (~~entered on October 9, 1975~~) second amendment, entered on February 3, 1986.

NEW SECTION

✓ WAC 173-134A-085 APPLICABILITY. The total withdrawal limitations of WAC 173-134A-060 and 173-134A-080 shall apply only to that geographical area within the Quincy ground water subarea that was described in the declaration of ownership of artificially stored waters by the United States Bureau of Reclamation accepted by order of the department under Docket Number 74-772 dated January 8, 1975.

WSR 86-04-058

ADOPTED RULES

DEPARTMENT OF ECOLOGY (Water Resources)

[Order DE 86-02—Filed February 4, 1986]

I, Phillip C. Johnson, deputy director of the Department of Ecology, do promulgate and adopt at Lacey, Washington, the annexed rules relating to chapter 508-14 WAC, Columbia basin project—Ground waters; by amending WAC 508-14-030, Withdrawal of ground waters—Permit required—Certain conditions and areas declared appropriate; and adding new section WAC 508-14-025, authority.

This action is taken pursuant to Notice No. WSR 85-23-079 filed with the code reviser on November 20, 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 43.21A-.060 which directs that the Department of Ecology has authority to implement the provisions of chapters 43.21, 43.21A, 43.27A, 90.03, 90.44 and 90.54 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 February 3, 1986.

By Phillip C. Johnson
Deputy Director

NEW SECTION

✓ WAC 508-14-025 AUTHORITY. This chapter is promulgated by the department of ecology pursuant to chapters 43.21, 43.21A, 43.27A, 90.03, 90.44, and 90.54 RCW.

AMENDATORY SECTION (Amending Order DE 74-34, filed 12/30/74)

WAC 508-14-030 WITHDRAWAL OF GROUND WATERS—PERMIT REQUIRED—CERTAIN CONDITIONS AND AREAS DECLARED APPROPRIATE. (1)(a) All who are acquainted with the state of Washington know of the Grand Coulee Dam and the Columbia Basin project. In 1943, the congress of the United States passed the Columbia Basin Project Act, 57 Stat. 14 (1943), 16 U.S.C. 835 (1958) so that waters made available by the dam for irrigation purposes could be beneficially used. The state's historical position, as set forth in both state legislation and executive statements, has been one of full cooperation with the federal government to insure that the project's purpose of settling and developing the agricultural lands within said project is realized.

(b) Under state law, subject to existing rights, all natural ground waters of the state and all "artificially stored" ground waters that have been abandoned or forfeited are public ground waters available for appropriation as provided for in chapters 90.44 and 90.03 RCW.

(c) Beneath the surface of the lands within and adjoining the Columbia Basin project are large quantities of naturally occurring and artificially stored ground water, the source, extent, volume and flow characteristics being generally known, but the depth being largely unknown.

(d) With the development of the Columbia Basin project, by the United States Department of the Interior, Bureau of Reclamation, the ground-water characteristics of the land within the project have, without doubt, undergone change, including a substantial commingling of natural and "artificially stored" ground waters.

(e) Within the Columbia Basin project, but outside the Quincy ground water management subarea, established by chapter 173-124 WAC, and the Odessa ground water management subarea established by chapter (~~(173-128)~~) 173-128A WAC, certain persons and entities presently claim interests in portions of these commingled waters.

(f) To insure that the public interest is protected as well as the interests of those claiming interests in said ground waters and that at the same time public waters are, when appropriate, made available for beneficial use, this office, in carrying out its duties and obligations, deems it necessary to set forth certain interim policies which shall guide the department in granting authority to make withdrawal from these commingled waters until ground water subareas are established under the procedures set forth in RCW 90.44.130.

(2)(a) Applications filed with the department of ecology pursuant to RCW 90.44.060 requesting permission to withdraw public ground waters within the exterior boundaries of the Columbia Basin project underlying

lands within the legal description described in subsection (3) of this rule shall be received, and permits issued if it appears to the department as a tentative conclusion that public ground waters are available; however, all such permits shall be conditioned that if it is subsequently determined by the department that public waters are not available in the amounts authorized for withdrawal by such permits, the department shall, by order of notification, withdraw or modify the authority granted therein as may be appropriate.

(b) No certificates of water right as provided for in RCW 90.44.080, relating to public ground waters underlying lands described in the following subsection (3), shall be issued by the department until such time as a more definite determination can be reached as to the availability of public waters.

(3) Beginning at the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M.; thence south about 3 miles to the northwest corner of Sec. 35, said township and range; thence east about 1 mile to the northeast corner of said Sec. 35; thence south about 1 mile to the southeast corner of said Sec. 35; thence west about 1 mile to the southwest corner of said Sec. 35; thence south about 4 miles to the southwest corner of Sec. 23, T. 16 N., R. 23 E.W.M.; thence east about 1 mile to the southeast corner of said Sec. 23; thence south 25° west about ~~((3.13~~ 2.5 miles to the point of intersection of the westerly right of way for State Highway No. 243 and the south bank of Lower Crab Creek, said point being situated approximately 3700 feet south and 400 feet west from the NE corner of Sec. 3, T. 15 N., R. 23 E.W.M., thence southerly along western highway right of way boundary about 7.5 miles to the NW corner of Sec. 14, T. 14 N., R. 23 E.W.M., thence east about 0.5 mile to the N 1/4 corner of Sec. 14, thence south about 1.0 mile to the S 1/4 corner of Sec. 14, thence east 0.5 mile to SE corner of Sec. 14, thence south about 1.0 mile to SE corner of Sec. 23, thence west about 0.5 mile to the westerly right of way boundary of State Highway No. 243, thence southeasterly about 1.0 mile along westerly right of way to the SW corner of Sec. 25, T. 14 N., R. 23 E.W.M., thence east about 2 miles to the SE corner of Sec. 30, T. 14 N., R. 24 E.W.M., thence south about 1 mile to the SW corner of Sec. 32, thence east to SE corner of Sec. 32, thence south about 0.5 mile to the W 1/4 corner of Sec. 4, T. 13 N., R. 24 E.W.M., thence east about 1.5 miles to the center of Sec. 3, thence south about 1.25 miles to the boundary line between Grant and Benton counties, in the Columbia river; thence downstream, southerly and easterly, along said boundary line and the boundary line between Grant and Benton counties, about ~~((36.5))~~ 16.5 miles, to intersection of said county boundary line with the south line of Sec. 1, T. 14 N., R. 26 E.W.M.; thence east about 4.1 miles to the northwest corner of Sec. 11, T. 14 N., R. 27 E.W.M.; thence south about 2 miles to the southwest corner of Sec. 14, said township and range; thence east about 2 miles to the northwest corner of Sec. 19, T. 14 N., R. 28 E.W.M.; thence south about 1 mile to the

southwest corner of said Sec. 19; thence east about 5 miles to the northeast corner of Sec. 26, said township and range; thence south about 2 miles to the southeast corner of Sec. 35, said township and range; thence west about 1.5 miles to intersection with the north-south centerline of Sec. 34, said township and range; thence north along said centerline to intersection with the north line of said Sec. 34; thence west about 7 miles to intersection with the boundary between Franklin and Benton counties, in the Columbia River, and the north line of Sec. 33, T. 14 N., R. 27 E.W.M.; thence downstream, southerly, about 29.25 miles to intersection with the eastwest centerline of Sec. 11, T. 9 N., R. 28 E.W.M.; thence east along contiguous section eastwest centerlines about 12.75 miles to the center of Sec. 12, T. 9 N., R. 30 E.W.M.; thence south 2° west about 3.17 miles to the north bank of Lake Wallula; thence northeasterly along said bank to a point about 1.38 miles south of the northwest corner of Sec. 19, T. 9 N., R. 31 E.W.M.; thence north about 1.38 miles to said northwest corner of Sec. 19; thence easterly along the north line of said Sec. 19 and of Sec. 20 about 1.85 miles to the northeast corner of said Sec. 20; thence north about 9 miles to the southeast corner of Sec. 32, T. 11 N., R. 31 E.W.M.; thence west about 1 mile to the southwest corner of said Sec. 32; thence north about 6 miles to the southeast corner of Sec. 31, T. 12 N., R. 31 E.W.M.; thence west about 0.73 mile to the southwest corner of said Sec. 31; thence north about 6 miles to the northwest corner of Sec. 6, T. 12 N., R. 31 E.W.M.; thence north 45° east about ~~((8.6 miles to the southeast corner of Sec. 36, T. 14 N., R. 31 E.W.M.; thence north about 6 miles to the northeast corner of Sec. 1, said township and range; thence west about 3 miles to the southwest corner of Sec. 34, T. 15 N., R. 31 E.W.M.; thence north about 7 miles to the northeast corner of Sec. 33, T. 16 N., R. 31 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 31, said township and range; thence about 1 mile south to the southwest corner of said Sec. 31; thence west about 1.5 miles to the intersection of the south line of the SW 1/4 SE 1/4 of Sec. 35, R. 16 N., R. 30 E.W.M. and))~~ 4 miles to the southeast corner of Sec. 10, T. 13 N., R. 31 E.W.M.; thence west about 4 miles to the southwest corner of Sec. 7, T. 13 N., R. 31 E.W.M.; thence north about 7.75 miles to the centerline of the East Low Canal; thence northerly along said canal centerline about 16.5 miles to intersection with the north line of Sec. 17, T. 17 N., R. 30 E.W.M.; thence west about 3 miles to the northwest corner of Sec. 13, T. 17 N., R. 29 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 13; thence west about 9 miles to the northwest corner of Sec. 21, T. 17 N., R. 28 E.W.M.; thence south about 1 mile to the southwest corner of said Sec. 21; thence west about 15 miles to the southwest corner of Sec. 24, T. 17 N., R. 25 E.W.M.; thence north about one mile to the northwest corner of said Sec. 24; thence west about 9 miles to the southeast corner of Sec. 17, T. 17 N., R. 24 E.W.M.; thence north about 1 mile to northeast corner of said Sec. 17; thence west about 4 miles to the northwest corner of Sec. 14, T. 17 N., R. 23 E.W.M., said point being the point of beginning.

WSR 86-04-059

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Order 86-01—Filed February 4, 1986]

Be it resolved by the Board of Boiler Rules, acting at 520 South Plum Street, Olympia, WA 98504, that it does adopt the annexed rules relating to Board of Boiler Rules substantive, chapter 296-104 WAC.

This action is taken pursuant to Notice No. WSR 85-24-005 filed with the code reviser on November 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 pursuant to RCW 70.79.030 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 January 21, 1986.

By Howard Richardson
Chairman

AMENDATORY SECTION (Amending Order 84-20, filed 10/5/84)

✓WAC 296-104-500 NONNUCLEAR REPAIRS. (~~ALTERATIONS~~) Where a (~~major~~) repair, involving welding to a pressure retaining part is performed, (~~or an alteration is accomplished, a National Board Inspection Code~~) an R-1 report, signed by the certificate holder (~~or a jurisdictional authorized owner-user inspection agency~~) and an authorized inspector shall be submitted to the jurisdiction, as required in the National Board Inspection Code. (~~In addition, a copy of the R-1 Alteration Report will be sent to the National Board for altered registered boilers and pressure vessels~~) Repairs (~~and alterations~~) to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they apply. (~~except as modified above for the R-1 report submission~~) Furthermore, repairs shall be performed only by those holding an ASME Certificate of Authorization or a National Board "R" Certificate of Authorization. (~~or has an owner-user inspection agency accepted by the jurisdiction~~) In all cases the material and workmanship shall comply with the rules contained in the appropriate sections of the ASME Code.

NEW SECTION

✓WAC 296-104-501 NONNUCLEAR ALTERATIONS. Where alterations are accomplished, copies of all R.1 alteration reports shall be sent to the Department. Alterations to all boilers, pressure vessels, and their appurtenances shall conform to the rules contained in the National Board Inspection Code wherever they

apply. Physical alterations shall only be performed by those parties with the appropriate ASME authorization.

AMENDATORY SECTION (Amending Order 84-20, filed 10/5/84)

✓WAC 296-104-515 NONNUCLEAR REPAIRS—SAFETY DEVICES. All boilers and pressure vessels shall be safeguarded by safety valves, (~~or~~) safety relief valves, or rupture discs, as specified in the ASME Code. (~~Rupture discs are acceptable where they apply~~)

The resetting, repairing, and restamping of safety (~~devices~~) valves and relief valves shall be done by a qualified manufacturer or valve repair organization (~~shop~~) holding a valid "V", "UV", (~~"NV"~~) or "VR" Certificate of Authorization issued by the National Board of Boiler and Pressure Vessel Inspectors. Section IV safety valves shall be repaired only by the valve manufacturer. Boiler and pressure vessel users, however, may authorize external adjustments to be made to bring their installed safety (~~devices~~) valves and relief valves, except Section IV safety valves, back to the stamped set pressure. (~~provided that qualified testing procedures are followed~~) This adjustment shall be witnessed and approved by a (~~n~~) National (~~b~~) Board (~~c~~) Commissioned (~~r~~) Inspector. All such external adjustments shall be resealed showing the identification of the organization making the adjustments and the date.

Repairing of noncode relief or safety valves shall not be allowed, except as specified below. Noncode liquid relief valves installed prior to 1-1-85 shall be repaired by an organization holding a valid "V", "UV", or "VR" Certificate of Authorization, but need not be stamped.

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 86-04-060

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

(Board of Boiler Rules)

[Filed February 4, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning WAC 296-104-210 Inspection of systems—Special designs (~~and/or great pressures~~), amended to delete references to great pressures. The Board of Boiler Rules determined that this rule shall follow guidelines of adopted national standards published by the American Society of Mechanical Engineers;

that the agency will at 10:00 a.m., Tuesday, March 18, 1986, in the Conference Room, Department of Labor and Industries, 905 Plum Street, Olympia, conduct a public hearing on the proposed rules.

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

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

The specific statute these rules are intended to implement is chapter 70.79 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 27, 1986.

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:

Ralph Frodl, Chief
Boiler and Pressure Vessel Section
Department of Labor and Industries
520 South Water Street
P.O. Box 9004
Olympia, WA 98504-9004

Dated: February 3, 1986

By: Howard Richardson
Chairman

STATEMENT OF PURPOSE

Title: Chapter 296-104 WAC, Board of Boiler Rules—Substantive.

Description of Purpose: The Board of Boiler Rules has identified problems in the area of boiler regulation that substantially affect the interest of the state of Washington and members of the industry regulated.

Statutory Authority: RCW 70.79.030.

Specific Statute Rule is Intended to Implement: Chapter 70.79 RCW.

Summary of Rule: This order amends and repeals the following section of chapter 296-104 WAC: WAC 296-104-210 Inspection of systems—Special designs and/or great pressures, amended to delete references to great pressures. The Board of Boiler Rules determined that this rule shall follow guidelines of adopted national standards published by the American Society of Mechanical Engineers.

Reasons Supporting Proposed Action: The Board of Boiler Rules, under its authority, feels the best interests of the state and the boiler industry would be best served by these rule changes.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: William Garling, Assistant Attorney General assigned to the Building and Construction Safety Inspection Services Division of the Department of Labor and Industries, drafted the rule change; and Ralph Frodl, Chief Boiler Inspector for the Building and Construction Safety Inspection Services Division of the Department of Labor and Industries, will

be responsible for implementation and enforcement of the rule changes.

Persons or Organization Proposing Rule, and Whether Public, Private or Governmental: The Board of Boiler Rules, through its chairman, Howard Richardson, proposed the rule changes. The Board of Boiler Rules is a state advisory board appointed by the governor to assist the boiler section of the Building and Construction Safety Inspection Services Division of the Department of Labor and Industries.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court: This does not apply.

Small Business Economic Impact Statement: There will be no known economic impact on industry for the proposed rule change.

AMENDATORY SECTION (Amending Order 73-1, filed 3/22/73)

WAC 296-104-210 INSPECTION OF SYSTEMS—SPECIAL DESIGNS (~~AND/OR GREAT PRESSURES~~). Prints and calculations shall be supplied for special designs or construction. (~~and for vessels designed for working pressure in excess of 3,000 psi.~~) Upon approval a Washington special number will be assigned by the chief inspector. The installation will be subject to the regular annual inspection in the case of boilers, and biennial inspection in the case of unfired pressure vessels.

WSR 86-04-061

NOTICE OF PUBLIC MEETINGS URBAN ARTERIAL BOARD

[Memorandum—February 3, 1986]

The following is the meeting schedule for Urban Arterial Board regular meetings in 1986:

April 18, 1986

July 18, 1986

October 17, 1986

These meetings are scheduled in accordance with WAC 479-01-020, Time and place of Urban Arterial Board meetings.

WSR 86-04-062

PROPOSED RULES DEPARTMENT OF AGRICULTURE (Noxious Weed Control Board)

[Filed February 4, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Noxious Weed Control Board intends to adopt, amend, or repeal rules concerning proposed noxious weed list, chapter 16-750 WAC;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, in the Commodity Inspection Conference Room, 2728-B Westmoor Court S.W., Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 13, 1986.

The authority under which these rules are proposed is chapter 17.10 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: February 4, 1986
By: Art Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Amending WAC 16-750-010.

Description of Purpose: Amend proposed noxious weed list.

Statutory Authority: RCW 17.10.080.

Summary of Rule: Proposed list must be adopted annually, other weeds may be either added to or deleted from the list at the hearing.

Reasons Supporting Proposed Action: RCW 17.10.080 states that the State Noxious Weed Control Board shall each year or more often, following a hearing, adopt a list comprising the names of those plants which it finds to be injurious to crops, livestock, or other property. At such hearing, any county Noxious Weed Control Board may request the inclusion of any plant to the list to be adopted by the state board.

Agency Personnel Responsible for Drafting: Donald G. Alexander, Noxious Weed Control Program Coordinator, Chemical and Plant Division, Washington State Department of Agriculture, 406 General Administration Building, Olympia, WA 98504, (206) 753-5062; Implementation and Enforcement: Each activated county Noxious Weed Control Board.

Persons Proposing Rule: State Noxious Weed Control Board.

Agency Comments or Recommendations: None.

Rule is not necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: No impact, none required.

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
Blue Lettuce	Lactuca pulchella
Blueweed, Texas	Helianthus ciliaris
Bracken, western	Pteridium aquilinum
Camelthorn	Alhagi camelorum
Canada Thistle	Cirsium arvense
Dalmation Toadflax	Linaria dalmatica
Gorse	Ulex europaeus
Hairy whitetop	Cardaria pubescens
Hoary Cress or White Top	Cardaria draba
Hydrilla	Hydrilla verticillata
Johnsongrass	Sorghum halepense
Knapweed, complex	Centaurea spp.
Leafy Spurge	Euphorbia esula
Lupine, broadleaf	Lupinus latifolius
Lupine, grassland	Lupinus laxiflorus
Lupine, low	Lupinus pusillus
Lupine, sabin's	Lupinus sabinii
Lupine, silky	Lupinus sericeus
Lupine, sulfur	Lupinus sulphureus

ENGLISH OR COMMON NAME

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, Absinthie
Yellow Toadflax

BOTANICAL OR SCIENTIFIC NAME

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 86-04-063
PROPOSED RULES
DEPARTMENT OF
SERVICES FOR THE BLIND
[Filed February 4, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Services for the Blind intends to adopt, amend, or repeal rules concerning business enterprise program, WAC 67-35-150 and 67-35-230;

that the agency will at 10:00 a.m., Thursday, March 20, 1986, in the Director's Office, 3411 South Alaska Street, Seattle, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on April 20, 1986.

The authority under which these rules are proposed is chapter 74.18 RCW.

The specific statute these rules are intended to implement is RCW 74.18.200 - 74.18.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 20, 1986.

Dated: February 4, 1986
By: Paul Dzedzic
Director

STATEMENT OF PURPOSE

Title: Describes rules relating to the department's business enterprise program.

Description of Purpose: Indicates how federal vending machine funds are to be spent. States requirements for vendors to pay for equipment repairs.

Statutory Authority: RCW 74.18.200 – 74.18.230.

Summary of Rules: Indicates federal vending machine revenue is to be used for specific vendor benefits as voted on by the vendors, and the balance to be used to upgrade facilities, purchase equipment, or for other costs to run the program. Requires vendors to pay first \$100 or 10% of the cost when equipment breaks down. Requires the department to pay for all repair costs for six months when a vendor takes over a new location.

Reasons Supporting Proposed Action: The federal Randolph-Sheppard Act states that excess federal income is to be set aside annually for use by the licensing agency (this department).

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Dzedzic, Director.

Person or Organization Proposing Rule: Department of Services for the Blind, 921 Lakeridge Drive, Room 202, Olympia, Washington 98504-2921, a state governmental agency.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement or Fiscal Matters: Will clarify how excess federal income is used, and state specifically who is liable for what equipment repairs.

Small Business Economic Impact: None.

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-150 FEDERAL VENDING MACHINE INCOME—USE AS DETERMINED. (1) Vending machine income received by the department as described in WAC 67-35-140(4) shall be known as federal vending machine income. ~~((Federal vending machine income shall be used for the establishment and maintenance of retirement or pension funds, health insurance, the provision of paid sick leave and vacation time for vendors, the repair of vending facility equipment, the replacement of obsolete or worn-out vending facility equipment, the purchase of new or additional vending facility equipment in existing facilities, management services, and the costs necessary to the conduct of the state blind vendors committee.~~

~~(1) After the majority of all vendors have voted to utilize federal vending machine income for retirement or pension, health insurance, paid sick leave or paid vacations, the department may adopt procedures for implementing such plans.~~

~~(2) Vendors whose income from their vending facility is at the national average or above for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay repair charges for each separate repair job on vending facility equipment of fifty dollars or ten percent of the cost of repair, whichever is greater. For purposes of this paragraph, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.~~

~~(3) Vendors whose income from their vending facility is below the national average of such income for all vendors as determined each federal fiscal year on the basis of each prior year's operation shall pay a voluntary amount for each separate repair job on vending facility equipment at their facility.~~

~~(4) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (2) and (3) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.~~

~~(5) For purposes of this section vending facility equipment shall include equipment provided by the department and equipment furnished as a part of the contract or permit for which the department and operator assumes the responsibility of maintenance.))~~

~~(2) Each year the blind vendors will vote to utilize the federal vending machine income for retirement or pension, health insurance, paid sick leave, or paid vacation.~~

~~(3) Any federal vending machine income not necessary for proposal described in subsection (2) of this section shall become set aside funds and will be used for the repair of vending facility equipment, the replacement of obsolete or worn-out vending facility equipment, the purchase of new or additional vending facility equipment in existing facilities, management services, and the costs necessary to the conduct of the state blind vendor's committee.~~

AMENDATORY SECTION (Amending Order 83-09, filed 12/15/83)

WAC 67-35-230 DEPARTMENT RESPONSIBILITY—MAINTAINED FACILITY. (1) The department will, within program resources, maintain or cause to be maintained each facility in good repair and attractive condition. The department will, within program resources, or in accordance with terms and conditions of the permit or contract, replace, or cause to be replaced obsolete or worn-out equipment.

~~(2) Vendors shall pay repair charges for each separate repair job on vending facility equipment of one hundred dollars or ten percent of the cost of repair, whichever is greater. For purposes of this subsection, repair or a repair job shall mean the cost associated with a single visit of a repair technician to a vending facility without respect to the amount of equipment being repaired, or multiple visits, and/or contact relative to the repair of a single item.~~

~~(3) When a vendor takes over the operation of a vending facility, the department will within program resources, pay for all repair charges during the first six months and the one hundred dollar or ten percent deduction will not apply.~~

~~(4) The remainder of the charges for repair or maintenance of vending facility equipment described in subsections (2) and (3) of this section shall be paid for from set aside funds. If set aside funds are entirely depleted, the vendor shall pay the costs of repair of vending facility equipment at his/her facility.~~

~~(5) For purposes of this section, vending facility equipment shall include equipment provided by the department and equipment furnished as a part of the contract or permit for which the department and operator assumes the responsibility of maintenance.~~

WSR 86-04-064

**NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER**

[Memorandum—January 31, 1986]

Notice is given that a special meeting of the board of directors of the Washington State Convention and Trade Center will be held at 4:00 p.m., Wednesday, February 5, 1986, at the Washington State Convention and Trade Center Boardroom, 720 Olive Way, Suite 1520, Seattle.

WSR 86-04-065

**ADOPTED RULES
STATE BOARD OF EDUCATION**

[Order 1-86—Filed February 4, 1986]

Be it resolved by the State Board of Education, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to chapters 180-25, 180-26 and 180-29 WAC.

This action is taken pursuant to Notice No. WSR 86-01-094 filed with the code reviser on December 19,

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 28A.47-.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 31, 1986.

By Monica Schmidt
Secretary

NEW SECTION

✓ WAC 180-25-043 STATE BOARD OF EDUCATION COMMITMENT AT PROJECT APPROVAL. State board of education project approval pursuant to WAC 180-25-040 defines the type of project and the maximum allowable square footage in which the state conditionally agrees to participate. There is no commitment whatsoever by the state board of education or the state to any project or to any amount of state assistance. The state board of education reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the negative and/or positive impact of such changes upon the eligibility of any project for state assistance and/or the extent of eligibility of any project for state assistance.

✓ NEW SECTION

WAC 180-26-057 STATE BOARD OF EDUCATION PROJECT COMMITMENT AT PRELIMINARY FUNDED STATUS. When preliminary funding status for a project is requested and granted pursuant to WAC 180-26-050 and/or 180-26-055, the state board of education commitment is limited to the eligibility of the project for state assistance, the eligible square footage, the maximum area cost allowance and the priority standing of the project as determined pursuant to the state building assistance rules in effect at the time such preliminary funding status is granted. This commitment is effective only for the initial one-year period set forth at WAC 180-26-060. The state board of education otherwise reserves the right to amend and/or repeal any rule(s) respecting state assistance in school building construction. Such rule changes may be made regardless of the negative and/or positive impact of such changes upon the eligibility of any project and/or the extent of eligibility of any project for state assistance.

NEW SECTION

✓ WAC 180-29-1075 STATE BOARD OF EDUCATION COMMITMENT WHEN DISTRICT IS AUTHORIZED TO OPEN BIDS. When a district is

granted approval to open bids pursuant to WAC 180-29-107, the state board of education is committed as provided at WAC 180-29-107 as well as to all other state building assistance determinations including but not limited to, for example, additional state assistance, and professional fees, determined pursuant to state building assistance rules and regulations in effect at the time such approval to open bids is granted. This commitment is subject to the district's compliance with time limitation for requesting an authorization for contract award as set forth in WAC 180-29-108.

WSR 86-04-066

ADOPTED RULES

STATE BOARD OF EDUCATION

[Order 2/86—Filed February 4, 1986]

Be it resolved by the State Board of Education, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to district authority to proceed, WAC 180-25-050.

This action is taken pursuant to Notice Nos. WSR 85-20-113 and 86-01-093 filed with the code reviser on October 2, 1985, and December 19, 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 28A.47-.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 31, 1986.

By Monica Schmidt
Secretary

AMENDATORY SECTION (Amending Order 9-83, filed 10/17/83)

✓ WAC 180-25-050 DISTRICT AUTHORITY TO PROCEED. Upon receipt of the state board of education approval, the school district is authorized to proceed as follows:

(1) Complete the development of educational specifications pursuant to chapter 180-26 WAC.

(2) Select a site and seek approval pursuant to chapter 180-26 WAC.

~~((3) Obtain capital funds through a combination of bonds, authorized or currently collectible, and/or authorized excess levies for the building and capital projects fund which together or separately would provide the district's share of the local project.))~~

WSR 86-04-067
ADOPTED RULES
STATE BOARD OF EDUCATION
 [Order 3-86--Filed February 4, 1986]

Be it resolved by the State Board of Education, acting at the Westwater Inn, Olympia, Washington, that it does adopt the annexed rules relating to Support level—Insurance receipts, WAC 180-27-105.

This action is taken pursuant to Notice Nos. WSR 85-20-114 and 86-01-093 filed with the code reviser on October 2, 1985, and December 19, 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 28A.47-.830 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED January 31, 1986.

By Monica Schmidt
 Secretary

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

✓ WAC 180-27-105 SUPPORT LEVEL—INSURANCE RECEIPTS. It is a ~~((local))~~ school district, not a state, determination whether or not a school facility shall be insured. Should a district need to replace ~~((an uninsured))~~ or repair a school facility ~~((lost to))~~ destroyed or damaged by fire, it will be the district's financial responsibility to replace or repair the number of square feet ~~((lost to))~~ destroyed or damaged by the fire.

WSR 86-04-068
ADOPTED RULES
DEPARTMENT OF GENERAL ADMINISTRATION
(Division of Savings and Loan Associations)
 [Order 85-7--Filed February 5, 1986]

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 credit unions, adding new section WAC 419-36-090 relating to limitations on investments in common trust funds.

This action is taken pursuant to Notice No. WSR 85-24-021 filed with the code reviser on November 26, 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 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 3, 1986.

By R. H. "Bob" Lewis
 Supervisor

NEW SECTION

✓ WAC 419-36-090 INVESTMENT LIMITATIONS—OTHER REQUIREMENTS. The Supervisor, Division of Savings and Loan Associations, finds that investments in common trust funds under RCW 31.12-.425 (1)(f) present potential serious risks to credit unions and that rules establishing specific procedures for those investments are necessary to protect the safety and soundness of credit unions. These rules are not intended to either endorse or encourage credit union investment in common trust funds. Credit unions investing in common trust funds as authorized by RCW 31.12.425 (1)(f) are therefore subject to the following limitations:

(1) Prior to making any investment in a common trust fund, the board of directors shall approve an investment policy detailing the maximum investment the credit union may have in common trust funds and specific investment guidelines. The policy shall also specify who is to authorize such investments.

(2) A credit union shall not invest an aggregate amount of greater than fifteen percent of its total assets in all such common trust funds.

(3) A credit union shall not invest an aggregate amount greater than five percent of its total assets in common trust funds without the supervisor's prior written approval of its investment policy.

(4) A credit union shall not invest an aggregate amount greater than ten percent of its total assets in common trust funds without the supervisor's prior written approval to make such investment.

(5) A credit union whose aggregate investment in common trust funds exceeds ten percent of its total assets shall establish, by transfer from undivided earnings, a special investment valuation reserve in an amount equal to five percent of the aggregate investment in common trust funds exceeding ten percent of total assets. The special reserve shall be adjusted not less than quarterly based on the aggregate investment in common trust funds amount exceeding ten percent of total assets.

(6) Prior to making any investment in common trust fund, a credit union shall obtain a prospectus for such fund and determine that all investments, investment activities and deposits of such common trust fund would be legal investments if held by the credit union.

(7) Prior to making any investment in a common trust fund, a credit union shall secure from the investment company marketing the fund a written statement, in addition to any prospectus, specifying that the fund is not engaged in and will not engage in any speculative marketing activity including but not limited to adjusted trading, futures contracts, short sales, and standby commitments, defined as follows:

(a) Adjusted trading means any method of transaction used to defer a loss by selling a security at a price above its current market price and simultaneously purchasing or committing to purchase from that same party another security at a price above its current market price, including interest rate swaps.

(b) Futures contract means a contract for the future delivery of commodities, including certain government securities, sold on commodities exchanges.

(c) Short sale means the sale of a security not owned by the seller.

(d) Standby commitment means a commitment to either buy or sell a security, on or before a future date, at a predetermined price. The seller of the commitment is the party receiving payment for assuming the risk associated with committing either to purchase a security in the future at a predetermined price, or to sell a security in the future at a predetermined price. The seller of the commitment is required to either accept delivery of a security (in the case of a commitment to buy) or make delivery of a security (in the case of a commitment to sell), in either case at the option of the buyer of the commitment.

(8) A credit union's directors, officials, committee members, and employees, and immediate family members of such persons, may not receive consideration in any form in connection with the making of an investment or deposit in a common trust fund by the credit union.

WSR 86-04-069
PROPOSED RULES
DEPARTMENT OF TRANSPORTATION
 [Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Transportation intends to adopt, amend, or repeal rules concerning motorist information signs, chapter 468-70 WAC;

that the agency will at 10:00 a.m., Monday, March 17, 1986, in the Transportation Building, Room 1D 9, 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 chapter 47.42 RCW.

The specific statute these rules are intended to implement is chapter 47.42 RCW, Highway Advertising Control Act—Scenic Vistas Act.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 10, 1986.

Dated: February 5, 1986
 By: A. D. Andreas
 Deputy Secretary

STATEMENT OF PURPOSE

Title: Chapter 468-70 WAC, Motorist information signs.

Description of Purpose: Adoption of amendments to chapter 468-70 WAC.

Statutory Authority: Chapter 47.42 RCW, Highway Advertising Control Act—Scenic Vistas Act.

Summary of Rule: Amends regulations for the placement of motorist information signs in areas with restricted space between interchanges, and reduces the maximum number of business signs which may be placed on motorist information sign panels.

Reason for Rule: Promulgated because standards for the display of motorist information signs have been incorporated into the manual on uniform traffic control devices (MUTCD) by the federal highway administrator.

Agency Proposing Rule: Washington State Department of Transportation.

Department Personnel Responsible for Drafting and Implementation: Mr. D. D. Ernst, State Maintenance Engineer, Department of Transportation, Room 1C9, Transportation Building, Olympia, Washington 98504, (206) 753-6014.

Agency Comments or Recommendations: None.

Whether Rule is Necessary as Result of Federal Law or Federal or State Court Action: No.

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-70-020 DEFINITIONS. (1) When used in these regulations the terms: Sign, business sign, commercial and industrial areas, commission, interstate system, primary system, scenic system, and specific information panel shall have the same meaning as set forth in the act.

(2) When used in these regulations the term:

(a) "Act" shall mean the Highway Advertising Control Act of 1961 as amended by chapter 80, Laws of 1974 ex. sess. (43rd Leg., 3rd ex. sess.) and chapter 47.42 RCW.

(b) "Conventional road" shall mean a primary or scenic highway which is not an expressway or freeway.

(c) "Department" shall mean the Washington state department of transportation.

(d) "Expressway" shall mean a divided arterial highway for through traffic with partial control of access and grade separations at most major intersections.

(e) "Freeway" shall mean an expressway with full control of access, and grade separations over the entire length of the numbered highway route.

(f) "Motorist service activity" shall mean a business furnishing gas, food, lodging, camping and/or related tourist services.

(g) "Owner" shall mean a person who owns or operates a motorist service activity and who has authority to enter into and be bound by agreements relevant to matters covered by these regulations.

(h) "Supplemental directional panel" shall mean a motorist informational panel located on, opposite, or at the terminus of an exit ramp bearing business sign for a qualified motorist service activity and directional information.

(i) "Trade name" shall mean any brand name, trade mark, distinctive symbol or other similar device or thing used to identify a particular motorist service.

(j) "Urban area" shall mean an area including and adjacent to a municipality or other place of five thousand or more population as shown by the latest available federal census.

(k) "Qualified tourist-oriented business" means any lawful cultural, historical, recreational, educational, or entertaining activity or a unique or unusual commercial or nonprofit activity, the major portion of whose income or visitors are derived during its normal business season from motorists not residing in the immediate area of the activity.

(l) "Tourist-oriented directional (TOD) sign" means a sign on a specific information panel on the state highway system to provide directional information to a qualified tourist-oriented business, service, or activity.

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-70-030 LOCATION OF PANELS AND SIGNS. (1) Specific information panels will be provided on interchange approaches and in advance of intersections. Where a qualified type of motorist activity is not present, a panel will not be erected. Generally, these panels should be located near the right of way line and readable from the main traveled way. Normally, the panels will be erected as follows:

(a) For freeways and interchanges on expressways the panels shall be erected between the previous interchange and at least eight hundred feet in advance of the exit direction sign at the interchange from which the services are available. There shall be at least eight hundred feet spacing between the panels (~~Normally~~), and there will be one panel each for GAS, FOOD, LODGING, and CAMPING/RECREATION (~~but signs for business activities may be combined on panels where space is restricted~~) except as provided in (c) of this subsection.

(b) For conventional roads the panels shall be erected between the previous intersection and at least three hundred feet in advance of the intersection from which the services are available, signing should not be provided to any service visible at least three hundred feet along the mainline prior to the intersection or driveway approach serving the business. (~~Normally~~) There will be one panel each for "~~(GAS=FOOD=LODGING)~~ GAS, FOOD, AND LODGING" (~~right and one panel for "GAS=FOOD=LODGING" left~~) and (~~one panel for~~) CAMPING/RECREATION, (~~but business signs on panels may be combined in response to demand and to space restrictions~~) except as provided in (c) of this subsection.

(c) At remote rural interchanges and on conventional road intersections, not more than two types of business activities may be combined on one panel. No more than two logos per activity may be displayed. Ramp panels to direct motorists to the right or to the left may display more than one type of business activity. No other mixed panels may be used.

(2) Information for specific information panels on expressways/freeways will be repeated on the supplemental directional panels located along the interchange ramps or at the ramp terminal where the services are not visible from the ramp. (~~There will be one GAS=FOOD=LODGING supplement for each direction and a separate supplement for RECREATION or CAMPING~~.)

(3) One tourist-oriented directional (TOD) sign panel may be placed in advance of the GAS, FOOD, LODGING, and CAMPING/RECREATION specific information panels. Spacing shall be the same as for the specific information panels. For interchanges supplemental TOD sign assemblies will be repeated along the ramps or at ramp terminals where the activities are not visible from the ramp. TOD sign panels are not allowed in lieu of the GAS, FOOD, LODGING, and CAMPING/RECREATION specific information panels, or along interstate highways.

(4) The spacing between sign panels, and between sign panels and (~~Type 1 signs as classified in RCW 47.42.040~~) official traffic control signs shall be in accordance with the Manual on Uniform Traffic Control Devices. Where there is insufficient spacing for both (~~Type 1~~) official traffic control signs and specific information/TOD sign panels, the (~~Type 1~~) official traffic control signs only shall be installed.

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-70-040 INTERCHANGE AND INTERSECTION SELECTION FOR SPECIFIC INFORMATION PANELS. (1) On an interstate, primary, or scenic highway the interchange or intersection must:

(a) For interchanges consist of both an exit and entrance ramp: PROVIDED, That where an entrance ramp is not present an interchange will qualify if an entrance ramp is reasonably and conveniently located, in the determination of the department, so as to permit a motorist to proceed without undue indirection or use of poor connecting roads.

(b) For intersections provide a reasonable and convenient route, in the determination of the department, so as to permit a motorist to proceed without undue indirection or use of poor connecting roads.

(2) Specific information, and TOD (allowed on noninterstate highways only), sign panels may be erected at locations within the corporate limits of cities and towns and areas zoned for commercial and industrial uses where there is sufficient distance between interchanges

or intersections to erect the signs in accordance with WAC 468-70-030(1). Where there is insufficient space available to install (~~separate~~) the array of GAS, FOOD (~~and~~), LODGING, CAMPING/RECREATION AND TOD panels, (~~the total number of signs per type of business activity for that interchange or intersection approach shall be two times the number of locations available for~~) panels are normally provided in that order of priority, except that district administrators may negotiate a revised priority at interchange/intersection locations with local officials. If there is no business interest in signing for any one activity at a location, and space allows, the next lower priority activity can be signed.

(3) Signing will be provided from the nearest interchange or intersection from the nearest freeway/expressway or from a conventional highway to the activity. Signing will not be provided from a freeway or expressway to another freeway or expressway.

AMENDATORY SECTION (Amending Order 96, filed 8/12/85)

WAC 468-70-060 SIGNING DETAILS. (1) Specifications. All specific information panels, supplemental directional panels, and business signs shall be constructed in accordance with the Washington state standard specifications, standard plans and amendments thereto. All business signs shall be constructed of a single piece of 0.080 inch thick aluminum. All panels and business signs shall be fully reflectorized to show the same shape and color both by day and night.

(2) Color of panels and signs:

(a) The background color for GAS, FOOD, LODGING, CAMPING and TOD specific information panels and supplemental directional panels shall be blue. The background color for RECREATION specific information panels and supplemental directional panels shall be brown. The border and lettering on all such signs shall be white.

(b) The background color for business signs shall be blue, or brown for a recreation activity, with a white message and border. Standard sign sheeting colors and inks, available in white, black, yellow, red, blue, orange, green, and brown, shall be used in business symbols or trademarks.

(3) Composition of specific information panels:

(a) (~~Specific information panels and tourist-oriented directional panels shall be~~) For interchanges, the maximum number of business signs which may be displayed on a specific information panel are six for gas and four each for food, lodging, camping/recreation and TOD activities. For intersections, all are limited to (~~six~~) four business signs.

(b) Sign panel fabrication layouts, and business sign sizes, are provided in the Appendices of the Scenic Vistas Act Booklet published by the Washington state department of transportation.

(i) The panel size shall be sufficient to accommodate the various sizes of business signs and directional information.

(ii) For qualifying businesses located more than one mile from an (~~interchange or~~) intersection the business sign shall show the mileage to the business to the nearest mile. (~~f~~) For interchanges the mileage will (~~also~~) be shown on the supplemental directional panel business signs installed along the interchange ramp or at the ramp terminal. (~~g~~)

WSR 86-04-070

PROPOSED RULES

DEPARTMENT OF AGRICULTURE

[Filed February 5, 1986]

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 nursery grape stock certification, chapters 16-462 and 16-425 WAC;

that the agency will at 1:15 p.m., Tuesday, March 18, 1986, in the Agricultural Service Center Conference Room, 2015 South 1st Street, Yakima, WA 98903, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 31, 1986.

The authority under which these rules are proposed is chapter 15.14 RCW.

Dated: February 5, 1986

By: Art G. Losey
Assistant Director

STATEMENT OF PURPOSE

Title: Chapters 16-462 and 16-425 WAC, WAC 16-462-010, 16-462-015, 16-462-020, 16-462-025, 16-462-030, 16-462-035, 16-462-050, 16-462-055, 16-462-001, 16-425-001, 16-425-010 and 16-425-015.

Description of Purpose: To amend the grape certification rules and bring them up to date.

Statutory Authority: Chapter 15.14 RCW.

Summary of Rules: Standards and requirements for nursery grape stock.

Reasons for Supporting Proposed Actions: To increase inspection and application fees to cover the increased cost of conducting the nursery grape stock certification program. The fees have not been increased since 1978; to clean up the language and to make housekeeping changes for clarity.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Max G. Long, Supervisor, Seed Branch, Department of Agriculture, 2015 South 1st Street, Yakima, WA 98903, (509) 575-2750.

Agency Comments: None.

Rules Necessary to Comply with Federal Law: No.

Small Business Economic Impact Statement: None.

AMENDATORY SECTION (Amending Order 1193, filed 4/19/71)

WAC 16-462-010 CERTIFIED GRAPE NURSERY STOCK—GENERAL. (1) Vines may be registered as sources for the propagation of certified grape nursery stock when inspected, ~~((tested))~~ indexed, and found to be true-to-name and ~~((discernibly))~~ apparently free from virus and virus-like diseases ~~((by procedures outlined in this program)).~~

(2) ~~((Registration and/or certification does not imply any warranty on the part of the department or any employee thereof.~~

~~((3))~~ The issuance of a certified state of Washington plant tag or stamp under this chapter affirms solely that the tagged or stamped rootstock has been subjected to certification standards and procedures by the department. The department disclaims all express or implied warranties, including without limitation, implied warranties of merchantability and fitness for particular purpose, regarding all plants, plant parts, and plant materials under this chapter.

(3) The department is not responsible for disease, genetic disorders, off-type, failure of performance, mislabeling, or otherwise, in connection with this chapter. No grower, nursery dealer, government official, or other person is authorized to give any expressed or implied warranty, or to accept financial responsibility on behalf of the department regarding this chapter.

(4) Participation in ((this)) the certified grape nursery stock program shall be voluntary.

AMENDATORY SECTION (Amending Order 1583, filed 9/27/78)

WAC 16-462-015 DEFINITIONS. The definitions set forth in this section shall apply throughout this chapter unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department of agriculture or his/her duly appointed representative.

(3) "Virus infected (affected)" means presence of a virus(es) in a plant or plant part.

~~((2))~~ (4) "Virus-like" means a disorder of genetic or nontransmissible origin.

~~((3))~~ (5) "Off-type" means not true-to-name.

~~((4))~~ (6) "Indicator plant" means any herbaceous or woody plant used to index or determine virus infection.

~~((5))~~ (7) "Index or indexing" means to determine virus infection by means of inoculation from the plant to be tested to an indicator plant; or by any other method.

~~((6))~~ (8) "Registered vine" means that in a mother block and/or foundation block a number has been assigned by the department to a grape vine that has been inspected and tested virus free in accordance with ~~((the provisions of this program))~~ recommendations of Washington State University.

~~((7))~~ (9) "Foundation block" means a planting of grape vines established, operated and maintained by Washington State University, that are indexed to be free from viruses and that are true-to-name. Cuttings to establish mother blocks ~~((with))~~ shall be furnished to the applicants by the Washington state department of agriculture. Written requests for foundation material ~~((must))~~ shall be received by the department of agriculture before December 1 of each year.

~~((8))~~ (10) "Mother block" means a planting of grape vines for which propagating material originated directly from the Washington State University foundation block or first generation plants originating from such stock. The mother blocks ~~((with))~~ shall be maintained by the nurserymen and provide propagating wood to produce Washington certified grape nursery stock.

~~((9))~~ (11) "Washington certified grape nursery stock" means vines, rooted cuttings and cuttings taken or propagated directly from foundation or mother blocks and certified in accordance with the provisions of this ~~((program))~~ chapter. Certified plants grown in a greenhouse may be used for one growing season to propagate additional certified plants.

AMENDATORY SECTION (Amending Order 1583, filed 9/27/78)

WAC 16-462-020 CERTIFIED GRAPE NURSERY STOCK—REQUIREMENTS. (1) Applicant.

(a) The applicant ~~((nurseryman))~~ shall be responsible, subject to the approval of the department, for the selection of the location and the proper maintenance of mother blocks and nursery stock. ~~((He))~~ The applicant shall be responsible for maintaining the identity of all nursery stocks and mother block vines, and for keeping all plants in a thrifty growing condition and free of plant pests.

(b) ~~((He))~~ The applicant shall take suitable precautions in cultivation, irrigation, movement and use of equipment, and in other farming practices, to guard against spread of soil-borne pests to plantings entered under this program. ~~((He))~~ The applicant shall keep all areas clean cultivated except for cover crops.

(c) ~~((He))~~ The applicant shall remove and destroy immediately, following notification by the department, any registered vine or nursery plant found to be affected by a virus or virus-like disease or is off-type.

(d) The applicant agrees to make available to commercial grape growers, following the establishment of a mother block, at least seventy-five percent of certified cuttings or plants of each variety available each year.

(2) Location. The foundation block, all mother blocks and nursery stock shall be located at least ~~((100))~~ one hundred feet from any land on which noncertified grape vines have been grown within the past ten years.

(3) General.

(a) Plants in the mother blocks shall be spaced at a minimum of ~~((6))~~ six to ~~((10))~~ ten feet in the row, and rows ~~((10))~~ ten feet apart, with ~~((16))~~ sixteen to ~~((20))~~ twenty feet between varieties in the row. These spacing requirements ~~((with))~~ shall not apply to mother blocks established in a greenhouse.

(b) Cuttings from each mother block variety and selection number ~~((must))~~ shall be identified and kept separate during the growing season.

(c) Treatment to eliminate soil-borne pests may be required.

(d) All nursery stock other than greenhouse grown plants shall comply with the grades and standards for Washington certified grape nursery stock as listed in the ~~((order))~~ section for grades and standards.

(e) Certified stock shall remain in the nursery no more than two growing seasons.

(f) ~~((The state of Washington department of agriculture makes no warranty, expressed or implied, or representation as to the freedom from disease or quality of grape planting stock:))~~ An inspection tag ~~((with))~~ shall be attached by the plant grower. Certification is based solely on visual inspections of sample plants of this lot which were found to meet tolerances prescribed in ~~((chapter 16-462-WAC))~~ the

section on tolerances. Certification of this lot does not represent the freedom from disease or quality of any other lot of grape planting stock. Inspection reports of all lots of grape planting stock entered for certification can be inspected at the Department of Agriculture, ((Olympia)) Seed Branch, 2015 South 1st Street, Yakima, Washington. ((For a more detailed description of the certification requirements, read chapter 16-462 WAC.))

AMENDATORY SECTION (Amending Order 1193, filed 4/19/71)

WAC 16-462-025 CERTIFIED GRAPE NURSERY STOCK—INSPECTIONS ((PROCEDURES)). The inspections ((with)) shall be made by the department and shall be conducted in a manner and at times determined as suitable.

- (1) Foundation block.
 - (a) Two inspections shall be made during each growing season.
 - (b) Foundation vines ((must)) shall be pruned to allow some fruiting.
- (2) Mother block.
 - (a) Two inspections shall be made during each growing season.
 - (b) Mother block vines ((must)) shall be pruned to allow some fruiting.
- (3) Nursery stock.
 - (a) Two inspections shall be made during each growing season.
 - (b) The stock ((with)) shall also be inspected during digging and grading and ((must)) shall be free of rootknot nematode, crown gall and other visible diseases and serious pest injury.

AMENDATORY SECTION (Amending Order 1583, filed 9/27/78)

WAC 16-462-030 CERTIFIED GRAPE NURSERY STOCK—APPLICATION AND FEES. (1) Application.

- (a) The applicant ((nurseryman)) shall furnish information requested and shall give his consent to the department to take plants or plant parts from any planting for inspection or testing purposes.
- (b) Application for inspection ((must)) shall be filed with the department by January 1 of each year accompanied by a one hundred seventy-five dollar application fee.
- (c) Inspection fees established ((are)) shall be payable upon completion of the work to be done and ((are)) shall be for the sole purpose of defraying expenses incurred in the inspection, approval, registration, and certification procedures provided.
- (d) Payment for inspection of mother blocks and nursery stock for registration and certification ((must)) shall be made upon completion of the inspection. Billing to the nurseryman to be made by the ((plant industry division)) chemical and plant division, seed branch.

(2) Inspection fees.

- (a) The inspection tags shall be furnished by the department of agriculture.

(b) The mother block and nursery stock inspection fee shall be ((in accordance with chapter 16-400 WAC as adopted or hereafter amended, entitled horticultural inspection fees, WAC 16-400-210, hourly charge, and WAC 16-400-250, entitled mileage)) eighteen dollars per hour, and mileage shall be charged at a rate established by the state office of financial management.

AMENDATORY SECTION (Amending Order 1193, filed 4/19/71)

WAC 16-462-035 CERTIFIED GRAPE NURSERY STOCK—TAGGING AND IDENTITY. (1) Tagging. The department ((with)) may authorize the use of official certification tags for the identification of nursery stock such as rooted cuttings and cuttings that meet the requirements of this ((program)) chapter.

(2) Identity. Any person selling Washington certified grape nursery stock ((is)) shall be responsible for the identity of such nursery stock. Persons issued tags authorized by ((the program)) this chapter shall account by variety for stock produced and sold and keep such other records as may be necessary.

NEW SECTION

WAC 16-462-050 CERTIFIED GRAPE NURSERY STOCK—TOLERANCES. Specific requirements for grape nursery stock inspection tolerances are based solely on visual inspections of sample plants conducted according to WAC 16-462-025:

Pest and diseases	Percentage tolerance for:	
	First Inspection	Second Inspection
Fanleaf virus	0%	0%
Leafroll virus	0%	0%
Grape phylloxera	0%	0%

NEW SECTION

WAC 16-462-055 CERTIFIED GRAPE NURSERY STOCK—GRADES AND STANDARDS. All certified stock offered for sale shall be bundled in accordance with commercial practice and shall be correctly identified by one or more legible printed labels.

- (1) Rooted cuttings.
 - (a) Grade No. 1 shall have one live cane at least nine inches long and shall be well rooted.
 - (b) Grade No. 2 shall have one live cane at least six inches long and shall be well rooted.
- (2) Cuttings shall have at least three buds and shall not be less than nine inches long and at least one-fourth inch caliper at top end. Top bud shall not be more than two inches from tip of cutting. Basal bud shall be within one-fourth inch from basal end.
- (3) Two year plants shall meet the same standard as rooted cutting Grade No. 1.
- (4) Tolerances. In order to allow for variations incident to proper grading and packing, not more than a combined total of five percent by count, of the plants or cuttings in any lot shall fail to meet the requirements of the above grades.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 16-462-001 PROMULGATION.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 16-425-001 PROMULGATION.
 WAC 16-425-010 GRADES AND STANDARDS.
 WAC 16-425-015 EFFECTIVE DATE.

WSR 86-04-071

ADOPTED RULES

PUBLIC DISCLOSURE COMMISSION

[Order 86-01—Filed February 5, 1986]

Be it resolved by the Public Disclosure Commission, acting at 403 Evergreen Plaza Building, FJ-42, Olympia, WA, that it does adopt the annexed rules relating to:

New	WAC 390-16-221	Tangible property—Definition.
Amd	ch. 390-16 WAC	Campaign finance.
Amd	ch. 390-37 WAC	Enforcement procedures.
Rep	WAC 390-16-061	Campaign financing—Special reports.
Rep	WAC 390-16-110	Abbreviated campaign reporting—Ballot propositions.
Rep	WAC 390-16-220	Surplus campaign funds—Definition.
Rep	WAC 390-16-225	Surplus campaign funds—Disposition.

This action is taken pursuant to Notice No. WSR 85-22-030 filed with the code reviser on November 26, 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 42.17.370(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 January 28, 1986.

By Graham E. Johnson
Executive Director

NEW SECTION

WAC 390-16-221 TANGIBLE PROPERTY—
DEFINITION. (1) All contributions received by a political committee or candidate are subject to the requirements of RCW 42.17.095 and 42.17.125 whether or not the committee converts the contribution to a different form, e.g., the purchase of tangible property from monetary contributions.

(2) For the purpose of this rule, tangible property includes but is not limited to real property and improvements thereto; furniture, office desks, file cabinets, tables and machines, vehicles, printing and duplicating equipment, and computer hardware and software.

AMENDATORY SECTION (Amending Order 82-03, filed 5/10/82)

WAC 390-16-011 FORMS—REGISTRATION STATEMENT FOR CANDIDATES AND POLITICAL COMMITTEES. ((Pursuant to the statutory authority of RCW 42.17.360(1);)) The official form for providing statement of organization by political committees ((as required by RCW 42.17.040;)) for designating campaign treasurer and depository ((as required by RCW 42.17.050;)) and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting ((as permitted by RCW 42.17.370(7) and WAC 390-16-115, 390-16-120 or 390-16-150 is hereby adopted for use in reporting to the public disclosure commission. This form, revised 6/82, shall be)) is designated ((as)) "C-1," revised 1/86.((²)) Copies of this form ((may be obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

**REGISTRATION
CANDIDATES AND POLITICAL COMMITTEES**

1. Candidate's Name (Do Not Abbreviate. Include Candidate's Full Name)

Address

City County Zip

C1

P F I L M Date
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Recv Date

2. Purpose of Committee: Candidate's Committee

Office Sought: _____ District, County or City _____ Position No. _____

Political Party, Central Committee, District Club, etc. YES NO
Are you supporting entire party ticket? If no, attach a list of candidates you support

Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Ballot Number FOR AGAINST
Name or description of ballot measure:

Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: _____

Other. Explain on attached sheet.

3. Political Party (if partisan office or committee) _____ 4. Date of General or Special Election _____ 5. Is committee a continuing organization? (more than one election) YES NO

6. REPORTING SYSTEM TO BE USED. CHOOSE ONE. If no box is checked, you are obligated to use Option III, Full Reporting.

Option I MINI REPORTING (For candidates only. Not available to political committees)
I will limit contributions or expenditures during this campaign to my filing fee of \$ plus no more than \$200 which includes charges for the voters pamphlet. I will accept no contribution over \$100 from any single source.

Option II ABBREVIATED REPORTING (For candidates and political committees).
I (this committee) will use the Abbreviated Reporting System. I (we) will limit aggregate contributions and aggregate expenditures to \$1,000 and will accept no contribution over \$100 from a single source except from the candidate's personal funds.

Option III FULL REPORTING (For candidates and political committees). I (this committee) will use the Full Reporting System.

7. Committee Treasurer's Name. (Candidate may be treasurer.) (List deputy treasurer on attached sheet.) _____ Daytime Phone no. _____

Address _____ City _____ State _____ Zip _____

8. Committee's Principal Officers. List name, address and title. _____

9. Campaign Bank or Depository. (See instructions for additional bank or accounts.) _____ Account Number or Name _____

Address or Branch _____ City _____ State _____ Zip _____

10. Related or affiliated committees. List name, address and relationship. _____

11. Place where campaign records are open for public inspection last eight days before election. (Two hours daily between 8 AM - 8 PM Monday - Friday.)
Street Address (Do not use a Post Office Box Number) _____ Hour _____

12. Statement as to distribution of any surplus campaign funds after the campaign or in the event of dissolution of committee.
(Distribution must be reported as an expenditure on C-4 report.)

Return to contributors Reimburse candidate for loans or lost earnings (substantiation must accompany C-4 which reports payment.)

Donate to registered charity Donate to State General Fund

Hold for future election campaign Other; Specify: _____

Give to other candidates or committee

13. Fair campaign practices. I have read the Code of Fair Campaign Practices.
 I (We) will voluntarily comply with the principles of the Code.
 I (We) do not choose to subscribe to some or all of the provisions of the Code.

14. CERTIFICATE: I certify that the above information is true, complete and correct.

Candidate's Signature _____ Date _____ Committee Treasurer's Signature _____

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA - FJ-42
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

PDC FORM C-1 REV. 6/82	REGISTRATION STATEMENT FOR CANDIDATES AND POLITICAL COMMITTEES
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INSTRUCTIONS

(1982 amendments are incorporated)

Please consult PDC instruction booklets or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, call or write PDC (telephone 206-753-1111).

WHO MUST REPORT

Candidates who run for office where there are 5,000 or more registered voters or the office includes an entire county. Political committees which support or oppose those candidates. Committees which support or oppose a statewide ballot proposition or a ballot proposition in any town or district with 1000 or more registered voters must report.

WHEN TO REPORT

Starting registration When becoming a candidate, forming a committee, filing a ballot proposition. If you expect to receive contributions or make expenditures, publicly announce a candidacy, file for office, or reserve space or facilities you must report.	Within 2 weeks
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When changes to original C-1 occur	Within 10 days
Continuing committees using abbreviated reporting.	Each January in addition to above

WHERE TO REPORT

Send original to: Public Disclosure Commission 403 Evergreen Plaza Olympia, WA 98504	Send copies to: County Elections Dept. (or County Auditor) Candidates—County where candidate lives Committees—County where headquarters is located
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REPORTING OPTIONS:

Option I. (MINI) Used by candidates who anticipate a small campaign, spending no more than \$200 plus any filing fee for the office. The expenditure limit includes money spent by the candidate from personal funds. No one except the candidate may contribute more than \$100 to a campaign using mini reporting.

Option II. (ABBREVIATED) Used by candidates or committees who will spend no more than \$1,000 during a campaign or calendar year. The \$1,000 maximum includes the candidates own expenditures. No contribution may be over \$100 except a candidates own funds.

Option III. (FULL) Larger campaigns and committees report in detail contributions and expenses. There are no dollar limits on contributions or expenditures.

See instruction booklets for a full explanation of all reports required with each option.

OTHER REPORTS:

- F-1 (financial affairs statement) Candidates file this report within two weeks of candidacy.
- C-3 and C-3A (bank deposits) used with FULL reporting only.
- C-4 (summary of total contributions and expenditures) Not used with MINI reporting. See PDC instruction booklets for times required with ABBREVIATED and FULL Reporting.

FAIR CAMPAIGN PRACTICES CODE

This is a voluntary code adopted by PDC to guide candidates and committees concerning fair campaign practices. You are urged to subscribe to and abide by these ethical standards. The codes are printed in PDC instruction booklets.

REGISTRATION: CANDIDATES AND POLITICAL COMMITTEES

C1 PDC OFFICE USE P M Date Recv. Date

1. Candidate or Committee Name (Do Not Abbreviate. Include Candidate's Full Name)

Address City County Zip

2. Purpose of Committee Office Sought: District, County or City Position No. Candidate's Committee Political Party, Central Committee, District Club, etc. Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: Other. Explain on attached sheet.

3. Political Party (if partisan office or committee) 4. Date of General or Special Election 5. Is committee a continuing organization? (more than one election) YES NO

6. REPORTING SYSTEM TO BE USED. CHOOSE ONE. If no box is checked, you are obligated to use Option III, Full Reporting. Option I MINI REPORTING (For candidates only—Not available to political committees) Option II ABBREVIATED REPORTING (For candidates and political committees) Option III FULL REPORTING (For candidates and political committees). I (this committee) will use the Full Reporting System.

7. Committee Treasurers Name. (Candidate may be treasurer.) (List deputy treasurers on attached sheet.) Daytime Phone no. Address City State Zip

8. Committee's Principal Officers. List name, address and title.

9. Campaign Bank or Depository. (See instructions for additional bank or accounts.) Account Number or Name Address or Branch City State Zip


10. Related or affiliated committees. List name, address and relationship.

11. Place where campaign records are open for public inspection last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Street Address (Do not use a Post Office Box Number) Hours

12. Statement as to distribution of any surplus campaign funds after the campaign or in the event of dissolution of committee. (Distribution must be reported as an expenditure on C-4 report.) Return to contributors Donate to registered charity Hold for future election campaign Give to other candidates or committee Reimburse candidate for loans or lost earnings (substantiation must accompany C-4 which reports payment.) Donate to State General Fund Other; Specify:

13. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.

14. CERTIFICATE: I certify that the above information is true, complete and correct. Candidate's Signature Date Committee Treasurer's Signature Date

PUBLIC DISCLOSURE COMMISSION
 TELEPHONE (206)753-1111
 403 EVERGREEN PLAZA FJ-42
 OLYMPIA, WASHINGTON 98504-3342

PDC FORM C-1 REV. 1/86	REGISTRATION FOR CANDIDATES AND POLITICAL COMMITTEES
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INSTRUCTIONS

Please consult PDC instruction booklets or RCW 42.17 and WAC 390-16 when completing this report.

WHO MUST REPORT

Candidates who run for office in a district or city which has 5,000 or more registered voters or the office or district includes an entire county. Political committees which support or oppose those candidates. Committees which support or oppose a statewide ballot proposition or a ballot proposition in any town or district with 1000 or more registered voters must report.

WHEN TO REPORT

Starting registration _____ Within 2 weeks

When becoming a candidate, forming a committee, filing a ballot proposition. If you expect to receive contributions or make expenditures, publicly announce a candidacy, file for office, or reserve space or facilities you must report.

When changes to original C-1 occur _____ Within 10 days

Continuing committees using abbreviated reporting. Each January in addition to above

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza
Olympia, WA 98504

Send copies to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where headquarters is located

REPORTING OPTIONS:

Option I. (MINI) Used by candidates who anticipate a small campaign, spending no more than \$500 plus any filing fee for the office. The expenditure limit includes money spent by the candidate from personal funds. No one except the candidate may contribute more than \$200 to a campaign using mini reporting.

Option II. (ABBREVIATED) Used by candidates or committees who will spend no more than \$2,000 during a campaign or calendar year. The \$2,000 maximum includes the candidates own expenditures. No contribution may be over \$200 except a candidates own funds.

Option III. (FULL) Larger campaigns and committees report in detail contributions and expenses. There are no dollar limits on contributions or expenditures.

See instruction booklets for a full explanation of all reports required with each option.

OTHER REPORTS:

F-1 (conflict of interest statement) Candidates file this report within two weeks of candidacy.

C-3 and C-3A (bank deposits) used with FULL reporting only.

C-4 (summary of total contributions and expenditures) Not used with MINI reporting. See PDC instruction booklets for times required with ABBREVIATED and FULL Reporting.

FAIR CAMPAIGN PRACTICES CODE

This is a voluntary code adopted by PDC to guide candidates and committees concerning fair campaign practices. You are urged to subscribe to and abide by these ethical standards. The codes are printed in PDC instruction booklets.

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

PDC FORM C-3 REV. 8/82	BANK DEPOSITS AND CASH RECEIPTS
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INSTRUCTIONS

GENERAL INSTRUCTIONS

1. All contributions must be deposited in the campaign bank account.
2. Anonymous contributions (or those for which you do not have the contributors name and address) are limited to the larger of \$300 or 1% of the total contributions in a calendar year. This restriction does not apply to funds raised through retail sales or gambling activities and reported on PDC form C-3A.
3. A candidate's contributions or loans to the campaign are reported on C-3 form. Out of pocket expenditures are shown on C-4 Schedule B.
4. Contributions less than \$25 need not be itemized if you keep the contributors name and address on a separate, private list in your campaign records. Any person who contributes a total of \$25 or more during the campaign must be itemized.

WHO MUST REPORT

Treasurer of each candidate or committee who used FULL reporting option. Those who use MINI or ABBREVIATED reporting are not required to file this report.

WHEN TO DEPOSIT CONTRIBUTIONS

Deposit all contributions and cash receipts within five business days of receipt.

WHEN TO FILE C-3 REPORT

More than four months before general or special election (before July 1 for general elections)—each time C-4 report is filed.

Less than four months before general or special election (starting July 1 for general elections)—file C-3 the same day deposit is made.

ANY CONTRIBUTION OVER \$500 RECEIVED BEFORE AN ELECTION, WHICH HAS NOT BEEN INCLUDED IN THE C-4 REPORT FILED SEVEN DAYS BEFORE AN ELECTION, MUST BE REPORTED BY TELEPHONE OR WRITTEN REPORT DELIVERED TO PDC OFFICE WITHIN 24 HOURS OR FIRST BUSINESS DAY AFTER RECEIPT.

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza —FJ-42
Olympia, WA 98504

Send duplicate to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where committee headquarters is located

Please see PDC instruction booklet for full reporting or RCW 42.17 and WAC 390-16 for further information and examples of reporting various contributions. If you need assistance call or write PDC (telephone 206-753-1111).

BANK DEPOSITS AND CASH RECEIPTS

C3 1/86

PDC OFFICE USE

Candidate or committee name (Do not abbreviate. Use candidate's full name.)

Address

City

County

Zip

POSTMARK

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received

Amount

Total contributions by this person during campaign or year

Please type or print clearly in ink.

Anonymous or unidentified.....

Candidate's personal funds.....

Small contributions not itemized and (optional) number of persons giving..... (persons)

Contributions and transfers from other candidates. Attach Schedule T.....

Contributor's Name Contributions \$25 or more (itemize)

Address, City, Zip

Table with columns for Date Received, Contributor's Name, Address, City, Zip, Amount, and Total contributions by this person during campaign or year. Includes sub-total and amount from attached pages.

Check here if additional pages are attached

2. LOANS, NOTES OR SECURITY AGREEMENTS RECEIVED

Enter total amount here and on attached page show the date of the agreement, creditor's name and address, the person or persons liable, and the nature of the agreement (e.g., interest, repayment terms.)

3. MISCELLANEOUS CASH RECEIPTS (INTEREST, REFUNDS, OTHER)

Enter total amount here and on attached page show the date of receipt, source of the money, address, and an explanation of the receipt.

4. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1, 2 and 3 above. Enter this amount in line 1, Schedule A to C4.

This report includes contributions deposited

on

(date)

in

(name of bank)

CERTIFICATE: I certify that the information herein is true, correct and complete.

Treasurer's Signature

Date

pdc PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA—FJ-42
 OLYMPIA, WASHINGTON 98504-3342
 PHONE: 206-753-1111

PDC FORM C-3 <small>REV. 1/86</small>	BANK DEPOSITS AND CASH RECEIPTS
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GENERAL INSTRUCTIONS

1. All contributions must be deposited in the campaign bank account.
2. Anonymous contributions (or those for which you do not have the contributor's name and address) are limited to the larger of \$300 or 1% of the total contributions in a calendar year. This restriction does not apply to funds raised through retail sales or gambling activities and reported on PDC form C-3A.
3. A candidate's contributions or loans to the campaign are reported on C-3 form. Out-of-pocket expenditures are shown on C-4 Schedule B.
4. Contributions less than \$25 need not be itemized if you keep the contributors name and address on a separate, private list in your campaign records. Any person who contributes a total of \$25 or more during the campaign must be itemized.
5. It is a violation of law for any person to make or for any candidate or political committee to accept from any one person contributions in the aggregate exceeding \$5,000 within 21 days of a general election.

WHO MUST REPORT

Treasurer of each candidate or committee who used FULL reporting option. Those who use MINI or ABBREVIATED reporting are not required to file this report.

WHEN TO DEPOSIT CONTRIBUTIONS

Deposit all contributions and cash receipts within five business days of receipt.

WHEN TO FILE C-3 REPORT

More than four months before general or special election (before July 1 for general elections)—each time C-4 report is filed.

Less than four months before general or special election (starting July 1 for general elections)—file C-3 the same day deposit is made.

CONTRIBUTIONS OVER \$500

Report any contribution over \$500 from a single source received within 7 days before a primary or within 21 days before a general election:

- a. report date received, amount, contributor's name and address.
- b. written report (C-3, telegram, mailgram) must be delivered to PDC within 48 hours or the first working day after you receive the contribution.
- c. telephone reports may be made—if the contribution is reported by telephone, written report must be postmarked within 48 hours or the first working day after you receive the contribution.

NOTE: Any committee, lobbyist or lobbyist's employer who makes a contribution over \$500 within 7 days before a primary or within 21 days before a general election must notify PDC and the recipient within 24 hours or the first working day after the contribution is made.

WHERE TO REPORT

Send original to:

Public Disclosure Commission
 403 Evergreen Plaza —FJ-42
 Olympia, WA 98504-3342

Send duplicate to:

County Elections Dept. (or County Auditor)
 Candidates—County where candidate lives
 Committees—County where committee head-
 quarters is located

Please see PDC instruction booklet for full reporting or RCW 42.17 and WAC 390-16 for further information and examples of reporting various contributions. If you need assistance call or write PDC (telephone 206-753-1111).

AMENDATORY SECTION (Amending Order 82-03, filed 5/10/82)

✓ WAC 390-16-036 FORM FOR REPORTING FUND RAISING EVENTS. ((Pursuant to the statutory authority of RCW 42.17.360(+),)) The official form for reporting fund raising events ((under the provisions of RCW 42.17.067, is hereby adopted for use in reporting to the public disclosure commission. This form, revised 6/82, shall be)) is designated ((as)) "C-3A," revised 6/82.((²)) Copies of this form ((may be obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

RETAIL SALES AND GAMBLING REPORT

Candidate or Committee Name (Do not abbreviate. Include candidate's full name.)			C3A	P M D C O F F I C E U S E	
Address				Recv. Date	
City	County	Zip			
1. Description of activity and methods used in raising funds					
2. Location of event or activity (street & city)				Date(s) of Activity	
3. Responsible leaders or organizers Name and Address				Title	
4. List each person who contributed total goods or services worth \$25 or more					
Name and Address			Item or Service Contributed	Item Value \$	Aggregate Contribution \$
<input type="checkbox"/> Check if additional pages are attached			(Do not report volunteer labor in conducting activity)		
5. List each purchaser or player from whom a profit of \$25 or more was realized Name and Address				Approximate Profit \$	
<input type="checkbox"/> Check if additional pages are attached					
6. Excess goods not retained in inventory at completion of fund raising activity were disposed of in the following manner. If goods or supplies remaining exceed \$500 in retail value attach inventory listing each item or class valued in excess of \$25.					
CERTIFICATE			FINANCIAL STATEMENT		
I certify that the income resulting from the conduct of the activity is derived solely from either the retail sale of goods or services at prices which in no case exceed a reasonable approximation of the fair market value of each item or service sold at the activity, or a gambling operation which is licensed, conducted, or operated in accordance with the provisions of Chapter 9.46 RCW and at which in no case is the monetary value of any prize exceeded by the monetary value of any single wager which may be made by a person participating in such activity and the report is true and complete.			RECEIPTS FROM SALES/WAGERS \$ _____		
Candidate's Signature _____ Date _____			LESS COST OF SALES/PRIZES _____		
Treasurer's Signature (if a political committee) _____ Date _____			GROSS PROFIT _____		
			OPERATING EXPENSES		
			EMPLOYMENT COSTS _____		
			SUPPLIES _____		
			RENT/UTILITIES _____		
			TAXES/LICENSES _____		
			PRINTING/ADVERTISING _____		
			OTHER EXPENSES _____		
			TOTAL OPERATING EXPENSES _____		
			NET PROFIT (LOSS) _____		
			Report profit in line 1, Schedule A to C-4 Report loss in line 4, Schedule A to C-4		

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA —FJ-42
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

PDC FORM C-3A <small>REV. 6/82</small>	RETAIL SALE or GAMBLING REPORT
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INSTRUCTIONS

Please see PDC instruction booklet or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, call or write PDC (telephone 206-753-1111).

GENERAL

The C-3A report is used to report income from the retail sale of goods and services at a fair market value or from licensed gambling activities.

Contributions or income reported on C-3A are not required to be itemized on the C-3 report.

Expenditures included in the financial statement on the C-3A should not again be itemized on Schedule A to C-4. To do so would mean reporting the expenditure twice.

If the activity results in a net profit, report that amount on line 2, Schedule A. If you have a net loss on the event, show that as an expenditure on line 4, Schedule A.

WHO MUST REPORT

Candidates and political committees which sponsor retail sales or gambling activities.

Note: Those using MINI or ABBREVIATED reporting options are not required to file a C-3A report.

WHEN TO REPORT

Funds must be deposited in the campaign account within five business days. The C-3A report is submitted the same day the deposit is made. For retail sales activities which last more than one week, a weekly report is required.

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza—FJ-42
Olympia, WA 98504

Send duplicate to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where committee headquarters is located

AMENDATORY SECTION (Amending Order 62, filed 8/26/75)

✓ WAC 390-16-038 DEFINITION—AGGREGATE. The term "aggregate" for the purpose of these campaign financing ~~((regulations))~~ rules means (1) a total of all contributions received or expenditures made by a candidate or committee together with all contributions received ~~((and))~~ or all expenditures made by all political committees formed by or with the ~~((express or implied))~~ knowledge or consent of such candidate or committee in connection with such campaign, and (2) the total of all contributions from a person.

AMENDATORY SECTION (Amending Order 79-04, filed 8/17/79)

✓ WAC 390-16-039 TOTAL CONTRIBUTIONS AND EXPENDITURES—REPORTING. (1) A continuing political committee which is not organized to support or oppose a particular candidate or ballot proposition shall report total contributions and expenditures based on a calendar year, or upon the basis of a fiscal year if the commission expressly authorizes this method. The report filed by such a continuing political committee covering January (or the first month thereafter for which a report would be required by RCW 42.17.065 and 42.17.080) shall contain in summary the following items remaining at the end of the year:

- (a) Funds on hand;
- (b) ~~((In-kind contributions retained;~~
- ~~((c)))~~ The total of outstanding pledges;
- ~~((d)))~~ (c) Unpaid loans and outstanding obligations;
- ~~((e)))~~ (d) Pledges given to others but not yet paid.

(2) Each candidate, each political committee and each continuing political committee organized to support or oppose a particular ~~((candidacy))~~ candidate or ballot proposition shall report total contributions and expenditures for the period beginning at the time the person becomes a candidate or when the committee is organized, whichever is earlier, and ending when the candidacy or committee is terminated.

(3) This rule shall not require a report unless such report would otherwise be required by chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 84-01, filed 2/10/84)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. ((Pur-
suant to the statutory authority of RCW 42.17.360(1);)) The official form((s)) for reports of contributions and ex-
penditures by candidates and political committees ((as required by RCW 42.17.080 = 42.17.090 and WAC 390-16-
+20 are hereby adopted for use in reporting to the public disclosure commission. The form, revised 8/83, shall be)) is
designated ((as)) "C-4," revised 8/83, and includes Schedule((s)) A, revised 1/86, Schedule B, ((and)) revised 12/81,
Schedule C, revised 12/81, and Schedule T, revised 8/83. ((These)) Copies of this form((s may be obtained)) are
available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attach-
ments shall be on 8-1/2" x 11" white paper.

CONTRIBUTION AND EXPENDITURE SUMMARY

Form C4: CONTRIBUTION AND EXPENDITURE SUMMARY. Includes fields for Candidate or Committee Name, Address, City, County, Zip, PM Date, Recv. Date, Report Period Covered, Receipts (lines 1-9), Expenditures (lines 10-18), ELECTION RESULTS (PRIMARY and GENERAL), and RECAPITULATION (lines 19-23). Includes certification and signature lines.

PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA—FJ-42
 OLYMPIA, WASHINGTON 98504
 PHONE: 206-753-1111

PDC FORM C-4 <small>Rev. 8/82</small>	CONTRIBUTION AND EXPENDITURE SUMMARY
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INSTRUCTIONS

Please consult PDC instruction book or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, write or telephone PDC (phone 206-753-1111).

WHO MUST REPORT:

Each candidate or political committee which receives contributions or makes expenditures in an election campaign. This report is not required by candidates who use the MINI reporting option.

WHEN TO SEND C-4 REPORTS:

	ABBREVIATED REPORTING	FULL REPORTING
Day C-1 registration is filed if contributions have been received or expenditures made.	No	Yes
Tenth of each month if contributions received or expenditures were over \$200 made since last C-4 report was filed.	No	Yes
<i>Tenth of month report is not required if another C-4 is required to be filed during that month</i>		
For each election for which the candidate or committee will make an expenditure:		
21 days prior to each election	No	Yes
7 days prior to each election	No	Yes
21 days after each election	Yes *	Yes
	<small>* Not required after primary.</small>	
By January 31 (Continuing committees which use Abbreviated Reporting).	Yes	No
Final report. When campaign is finished or committee closes operation. This is often the same as 21 days after the election.	Yes	Yes

SCHEDULES AND ATTACHMENTS (FULL REPORTING ONLY):

The C-4 report is a summary page. Schedules A, B and C as appropriate must be attached to support financial information on the C-4. Also, copies of C-3 and C-3A reports must be attached if they have not previously been filed with PDC and the county election office.

WHERE TO SEND REPORTS:

Send original to:
 Public Disclosure Commission
 403 Evergreen Plaza—FJ-42
 Olympia, WA 98504

Send duplicate to:
 County Election Dept. (or County Auditor)
 where candidate lives
 Political committees sent to county where headquarters is located

OTHER REPORTS REQUIRED:

- C-1 (registration statement) is used to register candidates and committee.
- C-3 (contribution report) is used to list campaign contributors.
- F-1 (financial affairs statement) is filed by candidates (not required from other committees).

CASH RECEIPTS AND EXPENDITURES

SCHEDULE to C4 A

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3 or C3A. List each deposit made since last C4 report was submitted.

Table with 7 columns: Date of Deposit, Type Report (C3 or C3A), Amount, Date of Deposit, Type Report (C3 or C3A), Amount, Total Deposits

2. MISCELLANEOUS CASH RECEIPTS not reported on C3 or C3A.

Table with 2 columns: Date Received, Amount

3. TOTAL RECEIPTS

Sum of parts 1 and 2 above. Enter also on line 2 of C4

4. CASH EXPENDITURES

Table with 4 columns: Date of Payment, Name and address of recipient or vendor paid, Purpose of expenditure, Amount

Transfer of funds. If this report is for a candidate or candidate's committee and funds have been given or paid to another candidate or candidate's committee, enter amount transferred. Also complete Schedule T.

*Itemize all expenditures of \$50 or more. Report total of expenditures less than \$50 which do not have to be itemized.

Total transfers of funds (Attach Sched. T)

Total expenditures each under \$50 not listed above

Total from attached pages

Total Cash Expenditures. Enter also on Line 11 of C4

5. LOAN REPAYMENTS MADE

Table with 4 columns: Date, Name, Address, Amount

Total Loan Payments this Reporting Period. Enter as an Adjustment to Contributions on Line 5 of C4

CASH RECEIPTS AND EXPENDITURES **SCHEDULE A**
to C4

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3 or C3A. List each deposit made since last C4 report was submitted.

Date of Deposit	Type Report (C3 or C3A)	Amount	Date of Deposit	Type Report (C3 or C3A)	Amount	Total Deposits

2. MISCELLANEOUS CASH RECEIPTS not reported on C3 or C3A.

Date Received	Source: Name, Address and Explanation of Receipt	Amount

3. TOTAL RECEIPTS Sum of parts 1 and 2 above
Enter also on line 2 of C4

4. CASH EXPENDITURES Amount

SHOW TOTAL EXPENDITURES EACH UNDER \$50 NOT ITEMIZED:

ITEMIZE EACH EXPENDITURE OF \$50 OR MORE BELOW:

Date of Payment	Name and address of recipient or vendor paid. If payment was made to an advertising agency or thru an agent, list advertiser, newspaper, station or other vendor who supplied goods or services. You may attach a copy of agency order or bill.	Purpose of expenditure Be as specific as possible. If expenditure was to support or oppose a candidate or ballot measure, list name of person or measure. Show whether supported or opposed

Check here if continued on attached sheet

Transfer of funds. If this report is for a candidate or candidate's committee and funds have been given or paid to another candidate or candidate's committee, enter amount transferred. Also complete Schedule T.

Total from attached pages _____
 Total transfers of funds (Attach Sched. T) _____
 Total Cash Expenditures _____
 Enter also on Line 11 of C4

5. LOAN REPAYMENTS MADE

Date	Name	Address	Amount

Total Loan Payments this Reporting Period _____
 Enter as an Adjustment to Contributions on Line 5 of C4

**IN KIND CONTRIBUTIONS and EXPENDITURES,
PLEDGES and ORDERS PLACED**

**SCHEDULE
to C4 B**

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. In kind contributions received and expended (goods, services, discounts, etc.)

Date received	Contributor's name and nature of contribution	Address, City, Zip	Fair market value	Total contributions by this person during campaign or year
		TOTAL	_____	
		Enter also on line 3 and line 12 of C4		

2. In kind expenditures made to other candidates and committees

Date	Recipient	Address, City, Zip	Fair market value
Note: Amounts in this section are not carried forward to C4 report			

3. New orders placed (but not yet paid)

Date	Recipient	Address, City, Zip	Amount	Purpose
		TOTAL (Include new orders above and all other orders and unpaid bills.)	_____	
		Enter also on lines 17 and 21 of C4		

4. Pledges received but not yet paid

Date you were notified of pledge	Name of person (including organizations) making pledge	Address, City, Zip	Amount	Total contributions by this person during campaign or year
		TOTAL (Include new pledges above and all other outstanding pledges.)	_____	
		Enter also on line 9 of C4		

5. Pledges made to other candidates and committees (but not yet paid)

Date Made	Recipient	Address, City, Zip	Amount
		TOTAL	_____
		Enter total on line 18 of C4	

CORRECTIONS

**SCHEDULE C
to C4**

Candidate or Committee Name (Do not abbreviate. Use candidate's full name.) Date

1. Corrections to cash or in kind contributions previously reported on C4 Schedule A, C3 or C3A.

Date of Report	Name of Contributor or Description of Correction	Amount Reported	Corrected Amount	Difference (+ or -)
Total Corrections to Contributions Enter here and on line 6 of C4. Show + or (-).				

2. Corrections to cash or in kind expenditures previously reported

Date of Report	Name of Vendor or Description of Correction	Amount Reported	Corrected Amount	Difference (+ or -)
Total Corrections to Expenditures Enter here and on line 14 of C4. Show + or (-).				

3. Loans forgiven. Loans listed below and previously reported on C3 reports have been forgiven in whole or part and should now be considered as cash or in kind contributions to that extent.

Date of Loan	Name of Creditor	Original Amount	Amount Repaid	Amount Forgiven
TOTAL				
Line 20 of C4 should be reduced by the total amount reported here.				

4. Refunds. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report (line 4).

Date of Refund	Source/Person Making Refund	Amount of Refund
TOTAL		
Enter as (-) on line 6 & line 14 of C4.		

TRANSFER OF FUNDS

SCHEDULE to C4 **T**

CANDIDATE OR COMMITTEE NAME

TO BE USED BY CANDIDATES OR CANDIDATE'S COMMITTEE WHICH RECEIVES FUNDS FROM OR TRANSFERS FUNDS TO ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE.

RECEIPTS

INCLUDE ALL FUNDS RECEIVED FROM ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE. BE SURE THAT FUNDS REPORTED HERE ARE DEPOSITED IN YOUR CAMPAIGN BANK ACCOUNT AND THAT DEPOSIT IS REPORTED ON FORM C-3.

DATE RECEIVED	CONTRIBUTOR'S NAME	ADDRESS, CITY, ZIP	AMOUNT	TOTAL CONTRIBUTED

EXPENDITURES

INCLUDE ALL FUNDS TRANSFERRED TO ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE. BE SURE THAT FUNDS REPORTED HERE ARE ALSO REPORTED AS AN EXPENDITURE IN ITEM 4, SCHEDULE A TO C-4.

DATE OF PAYMENT	CANDIDATES TO WHOM FUNDS WERE GIVEN	AMOUNT

AMENDATORY SECTION (Amending Order 82-03, filed 5/10/82)

WAC 390-16-050 FORMS FOR CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES NOT DOMICILED IN WASHINGTON STATE. ((Pursuant to the statutory authority of RCW 42.17.360(1);)) The official form for the report of contributions and expenditures of political committees not domiciled in Washington state((, as required by RCW 42.17.090, is hereby adopted for use in reporting to the public disclosure commission. This form, revised 6/82, shall be)) or otherwise not required to report is designated ((as)) "C-5," revised 1/86.((^u)) Copies of this form ((may be obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8 1/2" x 11" white paper.

REPORT OF CONTRIBUTIONS & EXPENDITURES BY OUT OF STATE COMMITTEES
TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA—FJ-42
 711 CAPITOL WAY
 OLYMPIA, WASHINGTON 98504
 PHONE: 206-753-1111

FILING FORM
C-5
 Rev. 6/82

TO BE FILED BY:
OUT OF STATE POLITICAL COMMITTEE OR RECIPIENT OF FUNDS
 RCW 42.17.100(1)

THIS SPACE FOR OFFICE USE
 P.M. DATE _____ DATE RECEIVED _____

See Instructions on Reverse Side. (Type or print clearly)

1. NAME AND ADDRESS OF OUT OF STATE POLITICAL COMMITTEE _____ DATE PREPARED _____

2 CHECK APPROPRIATE BOX
 THIS IS THE FIRST REPORT SUBMITTED DURING 19____
 THIS SHOWS NEW EXPENDITURES, CONTRIBUTIONS OR INFORMATION CHANGED FROM REPORTS SUBMITTED PREVIOUSLY THIS CALENDAR YEAR.

3. THIS POLITICAL COMMITTEE IS IS NOT A CONTINUING ORGANIZATION

4. CANDIDATES IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING (IF COMMITTEE IS SUPPORTING ENTIRE PARTY TICKET SHOW ONLY PARTY NAME)

NAME	OFFICE SOUGHT	PARTY AFFILIATION

5. BALLOT PROPOSITION(S) IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING OR OPPOSING

NAME OF PROPOSITION	BALLOT NUMBER	INDICATE FOR OR AGAINST

6. EXPLAIN PURPOSE OF COMMITTEE IF NOT OTHERWISE STATED _____

7. OFFICERS OR RESPONSIBLE LEADERS OF COMMITTEE

NAME AND ADDRESS	TITLE

EXPENDITURES MADE

8. EXPENDITURES INCLUDING CAMPAIGN CONTRIBUTIONS MADE BY THE COMMITTEE ON BEHALF OF A WASHINGTON CANDIDATE OR POLITICAL COMMITTEE IN THE AGGREGATE AMOUNT OF \$25 OR MORE.

NAME AND ADDRESS OF RECIPIENT	DATE	AMOUNT	PURPOSE

TOTAL THIS REPORT \$ _____

9. TOTAL REPORTABLE EXPENDITURES MADE DURING THIS CALENDAR YEAR \$ _____

CAUTION: FAILURE TO REPORT TRANSACTIONS WITHIN TEN DAYS OF OCCURRENCE SHALL CAUSE THE FUNDS TO FORFEIT TO THE STATE.

PDC form C-5 (Rev. 6/82) -306- CONTINUE ON REVERSE

CONTRIBUTIONS RECEIVED

10. ALL CONTRIBUTIONS OF \$25 OR MORE IN AGGREGATE TO THIS OUT OF STATE COMMITTEE DURING THE CURRENT CALENDAR YEAR FROM WASHINGTON RESIDENTS OR CORPORATIONS WITH A PLACE OF BUSINESS IN WASHINGTON.

NAME AND ADDRESS	DATE	MONEY VALUE
(A large diagonal line is drawn across this table area from the top left to the bottom right.)		

11. THIS REPORT WAS PREPARED BY
- OUT OF STATE COMMITTEE
 - CANDIDATE OR COMMITTEE RECEIVING FUNDS

CERTIFICATION: I hereby certify that the above is a true complete and correct statement in accordance with Chapter 42.17.090(1) (a) Revised Code of Washington.

SIGNATURE OF COMMITTEE OFFICIAL OR RECIPIENT OF FUNDS

NAME

TITLE

DATE

C-5 INSTRUCTIONS

(1982 amendments are incorporated)

WHO MUST REPORT

A political committee not domiciled in the State of Washington which has made contributions to a candidate or political committee in Washington State OR candidate or political committee which has received such contribution.

WHEN TO REPORT:

A C-5 report is required within ten days following the receipt of each contribution.

NOTE: Subsequent reports may be by letter updating or amending information previously reported.

FORM TO BE FILED WITH:

PUBLIC DISCLOSURE COMMISSION,
403 EVERGREEN PLAZA BUILDING, FJ-42
OLYMPIA, WASHINGTON 98504

ADDITIONAL REPORTS REQUIRED:

Washington candidates or committees receiving funds from an out of state committee must also show receipt of funds on C-3 and C-4 reports filed with the Public Disclosure Commission and the county auditor.

FOR ADDITIONAL INFORMATION:

Contact the Public Disclosure Commission, phone 206-753-1111



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION

403 EVERGREEN PLAZA--FJ-42
OLYMPIA, WASHINGTON 98504-3342
PHONE: 206-753-1111

FORM
C-5
REV. 1/76

THIS SPACE FOR OFFICE USE

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**OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION
TO WASHINGTON CANDIDATES OR COMMITTEES**

1. NAME AND ADDRESS OF COMMITTEE MAKING CONTRIBUTION	2. CHECK APPROPRIATE BOX <input type="checkbox"/> THIS IS THE FIRST REPORT SUBMITTED DURING 19____ <input type="checkbox"/> THIS SHOWS NEW EXPENDITURES, CONTRIBUTIONS OR INFORMATION CHANGED FROM REPORTS SUBMITTED PREVIOUSLY THIS CALENDAR YEAR.
--	---

3. THIS POLITICAL COMMITTEE IS IS NOT A CONTINUING ORGANIZATION

4. CANDIDATES IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING (if committee is supporting entire party ticket show only party name)		
NAME	OFFICE SOUGHT	PARTY AFFILIATION

5. BALLOT PROPOSITION(S) IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING OR OPPOSING		
NAME OF PROPOSITION	BALLOT NUMBER	FOR OR AGAINST?

6. EXPLAIN PURPOSE OF COMMITTEE IF NOT OTHERWISE STATED

7. OFFICERS OR RESPONSIBLE LEADERS OF COMMITTEE	
NAME AND ADDRESS	TITLE

8. CONTRIBUTIONS GIVEN OR EXPENDITURES MADE: LIST EACH CONTRIBUTION OF \$25 OR MORE AND EACH EXPENDITURE MADE BY THE COMMITTEE TO OR ON BEHALF OF ANY WASHINGTON STATE OR LOCAL CANDIDATE, BALLOT MEASURE OR POLITICAL COMMITTEE.

NAME AND ADDRESS OF RECIPIENT	DATE	AMOUNT	PURPOSE
CHECK HERE <input type="checkbox"/> IF CONTINUED ON ATTACHED SHEET			
TOTAL THIS REPORT		\$	
9. TOTAL REPORTABLE CONTRIBUTIONS AND EXPENDITURES MADE THIS CALENDAR YEAR		\$	

CAUTION: FAILURE TO REPORT TRANSACTIONS WITHIN TEN DAYS WILL CAUSE THE FUNDS TO FORFEIT TO THE STATE.

10. CONTRIBUTIONS RECEIVED FROM WASHINGTON RESIDENTS: LIST ALL CONTRIBUTIONS OF \$75 OR MORE IN AGGREGATE TO THIS OUT OF STATE, FEDERAL OR OTHER COMMITTEE DURING THE CURRENT CALENDAR YEAR FROM WASHINGTON RESIDENTS OR CORPORATIONS WITH A PLACE OF BUSINESS IN WASHINGTON.

NAME AND ADDRESS	DATE	AMOUNT

CHECK HERE IF CONTINUED ON ATTACHED SHEET

11. CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT.

SIGNATURE OF COMMITTEE OFFICIAL OR PERSON FILING REPORT

NAME

TITLE

DATE

INSTRUCTIONS

(Statutory reference: RCW 42.17.090(1)(b))

WHO MUST REPORT

A POLITICAL COMMITTEE NOT DOMICILED IN THE STATE OF WASHINGTON, A FEDERAL COMMITTEE OR OTHER COMMITTEE NOT REQUIRED TO REGISTER UNDER WASHINGTON LAW, WHICH HAS MADE CONTRIBUTIONS TO A STATE OR LOCAL CANDIDATE OR POLITICAL COMMITTEE IN WASHINGTON STATE. (THE REPORT MAY BE FILED BY THE RECIPIENT OF THE CONTRIBUTION IF THAT CANDIDATE OR COMMITTEE HAS ALL REQUIRED INFORMATION.)

WHEN TO REPORT

WITHIN 10 DAYS AFTER THE RECEIPT OF EACH CONTRIBUTION. NOTE: SUBSEQUENT REPORTS MAY BE BY LETTER UPDATING OR AMENDING INFORMATION PREVIOUSLY REPORTED.

SEND REPORT TO

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA, FJ-42
OLYMPIA, WA 98504-3342

ADDITIONAL REPORTS REQUIRED

WASHINGTON CANDIDATES OR COMMITTEES RECEIVING FUNDS MUST ALSO REPORT ON C-3 AND C-4 REPORTS.

VIOLATIONS AND PENALTIES

IT IS A VIOLATION OF LAW FOR ANY PERSON TO MAKE, OR FOR ANY CANDIDATE OR POLITICAL COMMITTEE TO ACCEPT FROM ANY ONE PERSON, CONTRIBUTIONS IN THE AGGREGATE EXCEEDING \$5,000 WITHIN 21 DAYS OF A GENERAL ELECTION.

FAILURE TO REPORT CONTRIBUTIONS AND FILE THE INFORMATION REQUIRED BY THIS REPORT WITHIN 10 DAYS AFTER THE WASHINGTON CANDIDATE OR COMMITTEE RECEIVES THE FUNDS WILL CAUSE THE FUNDS TO BE FORFEITED TO THE STATE.

FOR ADDITIONAL INFORMATION

CONTACT THE PUBLIC DISCLOSURE COMMISSION AT (206) 753-1111.

-1062-C58-

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

✓ WAC 390-16-055 FILING REPORTS FOR ~~((OUT-OF-STATE))~~ NONREPORTING COMMITTEES. (1) Each candidate or political committee receiving funds from a nonreporting committee as ~~((defined))~~ described in RCW 42.17.090 (1)(k), shall determine whether such committee has complied with that subsection. If the ~~((out-of-state))~~ nonreporting committee has not filed the required report and the information cannot be reported by the recipient of the contribution in a timely manner, the funds shall not be forfeited or reportable as having been received if they are returned to the ~~((out-of-state))~~ nonreporting committee immediately. Any retention or other action taken with such funds, if there is not a complete and timely report on file, shall result in the forfeiture of such funds to the state of Washington and shall be deemed a violation of chapter 42.17 RCW.

(2) Any subsequent report by a nonreporting committee or recipient of its contribution which is required by RCW 42.17.090 (1)(k) during the same calendar year may update its initial report by letter showing, in addition to its name and address, only reportable information which is new or changed since its last report.

AMENDATORY SECTION (Amending Order 82-03, filed 5/10/82)

WAC 390-16-060 FORMS FOR ((~~CAMPAIGN FINANCING SPECIAL~~)) REPORT((S)) OF INDEPENDENT EXPENDITURES. ((Pursuant to the statutory authority of RCW 42.17.360(1),)) The official form for ((~~contributors~~)) reports of independent expenditures as required by RCW 42.17.100((, is hereby adopted for use in reporting to the public disclosure commission. These forms shall be)) is designated ((as)) "C-6," revised 6/82((, and "C-7.")). Copies of ((these)) this form((s may be obtained)) are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8 1/2" x 11" white paper.



REPORT OF INDEPENDENT EXPENDITURES
TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
711 CAPITOL WAY
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

FILING FORM C-6 Rev. 6/82	TO BE FILED BY: PERSONS MAKING INDEPENDENT CAMPAIGN EXPENDITURES OF \$100 OR MORE IN AGGREGATE RCW 42.17.100(1)
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THIS SPACE FOR OFFICE USE	
P.M. DATE	DATE RECEIVED

See completion instructions at bottom of page.

(Type or print clearly)

1. NAME AND ADDRESS OF PERSON MAKING EXPENDITURE	CHECK	DATE PREPARED
	<input type="checkbox"/> One time report. I do not expect to make other independent expenditures. <input type="checkbox"/> I do expect to make other independent expenditures (See instructions) <input type="checkbox"/> Final report.	
2. NAME OF CANDIDATE OR BALLOT PROPOSITION SUPPORTED OR OPPOSED: CHECK <input type="checkbox"/> SUPPORT OR <input type="checkbox"/> OPPOSE		

3a. LIST THE VALUE OF ALL INDEPENDENT EXPENDITURES MADE IF AGGREGATE IS \$100 OR MORE. ITEMIZE EXPENDITURES OF \$25 OR MORE MADE IN SUPPORT OR IN OPPOSITION TO ANY CANDIDATE OR BALLOT PROPOSITION DURING AN ELECTION CAMPAIGN. DO NOT INCLUDE MONETARY OR IN-KIND CONTRIBUTIONS MADE DIRECTLY TO A CANDIDATE OR POLITICAL COMMITTEE.

DATE	NAME AND ADDRESS OF ANY VENDOR OR RECIPIENT	DESCRIPTION OF EXPENDITURE (goods, services, or rights purchased or furnished)	AMOUNT OR VALUE (* see below)
Expenditures less than \$25 not itemized above			
TOTAL THIS REPORT PERIOD			\$
3b. TOTAL INDEPENDENT EXPENDITURES MADE DURING THIS ELECTION CAMPAIGN. INCLUDE EXPENDITURES SHOWN IN THIS REPORT AND PREVIOUSLY SUBMITTED REPORTS.			\$

INSTRUCTIONS
(1982 amendments are incorporated)

WHO MUST REPORT:
Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

WHEN TO REPORT: When aggregate amount reaches:
 less than \$100 — No report is required
 \$100 or more (or value cannot be estimated) — Within 5 days
 If additional expenditures made — *10th of month preceding election in which other reports are not required.
 * 21 days prior to election
 * 7 days prior to election
 * 21 days after election

*Required only when expenditures have been made since last report was submitted.

WHERE TO REPORT:
 Copy # 1—Public Disclosure Commission, 403 Evergreen Plaza—FJ-42
 Olympia, WA 98504
 Copy # 2—County Auditor of candidate. For ballot propositions with county auditor of person filing this report.

AMOUNT OR VALUE

"If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.

SIGNATURE OF PERSON MAKING EXPENDITURES

NAME _____

TITLE _____



OUT-OF-STATE REPORT OF CONTRIBUTIONS
 TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
 CHAP. 1, LAWS OF 1973

See completion instructions at bottom of page.
 (Type or print clearly)

FILING FORM C-7	TO BE FILED BY: CONTRIBUTORS <small>(Sec. 10 (2))0</small>
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THIS SPACE FOR OFFICE USE		
P.M. DATE	DATE RECVD.	ITEM NUMBER

NAME AND ADDRESS OF CONTRIBUTOR	DATE PREPARED	THIS FORM <input type="checkbox"/> REPLACES <input type="checkbox"/> AMENDS PREVIOUS FILING PREPARED: (Mo.) (Day) (Yr.)
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ITEM 1 CONTRIBUTIONS IN THE AGGREGATE OF \$100 OR MORE DURING THE PRECEDING TWELVE MONTH PERIOD TO A POLITICAL COMMITTEE NOT DOMICILED IN THE STATE OF WASHINGTON.

NAME OF RECIPIENT	DATE OF CONTRIBUTION	AMOUNT	NATURE OF CONTRIBUTION

ITEM 2 INSTRUCTIONS GIVEN AS TO THE USE OR DISBURSEMENT OF SUCH CONTRIBUTION.

INSTRUCTIONS

WHO SHOULD FILE THIS FORM: Any person who contributes in the aggregate of \$100 or more during the preceding 12 month period to any political committee not domiciled in the State of Washington or not otherwise required to report under this act, if the person reasonably expects such political committee to make contributions in respect to any election covered by this act.

FORM TO BE FILED WITH: Registration and Reporting Section, Public Disclosure Commission, Evergreen Plaza Building - Olympia, Washington 98504.

Section 10 (2) of this Law is printed in full on reverse side.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement in accordance with Section 10 (2) of this Law.

SIGNATURE OF CONTRIBUTOR _____

NAME _____

TITLE _____

"EXCERPTS FROM PUBLIC DISCLOSURE LAW"

Section 10. **SPECIAL REPORTS.** In addition to the other reports required by this act

(2) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve month period to any political committee not domiciled in the State of Washington or not otherwise required to report under this act, if the person reasonably expects such political committee to make contributions in respect to any election covered by this act, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution, and (c) any instructions given as to the use or disbursement of such contribution.

AMENDATORY SECTION (Amending Order 91, filed 7/22/77)WAC 390-16-105 ABBREVIATED CAMPAIGN REPORTING—((CAMPAIGNS FOR PUBLIC OFFICE INVOLVING \$1,000 OR LESS)) ELIGIBILITY.

(1) No candidate and no political committee, as those terms are defined in RCW 42.17.020, shall be required to comply with the provisions of RCW 42.17.060 - 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, 390-16-120 and 390-16-125 ~~((in any election campaign for public office in which))~~ when neither the aggregate contributions nor the aggregate expenditures ~~((on behalf of such candidate))~~ exceed ~~(((\$1,000))~~ two thousand dollars and no contribution or contributions from any source other than the candidate's personal resources within such aggregate exceeds ~~(((\$100))~~ two hundred dollars.

(2) No continuing committee as that term is defined in RCW 42.17.020, shall be required to comply with the provisions of RCW 42.17.060 through 42.17.090 except as otherwise prescribed in WAC 390-16-038, 390-16-115, 390-16-120 and 390-16-125 when neither the aggregate contributions nor the aggregate expenditures during a calendar year exceed two thousand dollars and no contributions or contributions from any person exceed two hundred dollars.

AMENDATORY SECTION (Amending Order 77, filed 6/2/76)

WAC 390-16-111 ABBREVIATED CAMPAIGN REPORTING—SPECIAL FUND RAISING EVENTS. The term ~~((s "any source" and))~~ "any person" as used in WAC 390-16-105 ~~((and 390-16-110 shall))~~ does not ((be construed as meaning)) mean a fund raising activity conducted pursuant to ((section 9, chapter 12, Laws of 1975-76 2nd ex. sess:)) RCW 42.17.067. Candidates and committees using abbreviated reporting as provided in chapter 390-16 WAC shall not be limited to receiving ~~(((\$100))~~ two hundred dollars from a fund raising event provided that the profit realized from any person does not exceed ~~(((\$100))~~ two hundred dollars from all fund raising events conducted during a campaign or calendar year.

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

WAC 390-16-115 ABBREVIATED CAMPAIGN REPORTING—CONDITIONS FOR GRANTING USE. The exemptions allowed in WAC 390-16-105 ~~((; 390-16-110 and 390-16-115))~~ shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, within fourteen days of the time of organization, or of receipt of contributions or the making of expenditures, or of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file the C-1 registration statement with the commission and the county elections office. The statement shall declare that the candidate or political committee

will not exceed the expenditure limitations set out in WAC 390-16-105 ~~((; 390-16-110 or 390-16-115))~~.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040 through 42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the contribution and expenditure limitation, pursuant to subsequent permission of the commission.

(3) The candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the C-1 at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(4) The records of contributions and expenditures shall be open to audit or examination by representatives of the public disclosure commission at any time upon request from the commission.

AMENDATORY SECTION (Amending Order 79-03, filed 7/19/79)

WAC 390-16-120 ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1 AND C-4 ((UNDER \$1,000 EXEMPTION)). (1) The report C-1 shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-16-105 ~~((; 390-16-110))~~ or 390-16-115 ~~((at the time of becoming a candidate or))~~ within ~~((ten))~~ fourteen days of ((organization of)) becoming a candidate or organizing a committee.

(2) In the case of a continuing political committee, the C-1 report shall be filed initially ~~((before))~~ within fourteen days after accepting any contributions or making any expenditures. Thereafter, the C-1 shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new C-1 during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1 is filed.

(3) The report Form C-4 summary page shall be filed by each candidate and political committee within twenty-one days after each special or general election in which there was participation. In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than twenty-one days following the general election.

Additionally, in the case of a continuing political committee, the report Form C-4 shall be filed not later than January 31 summarizing the total contributions received and expenditures made during the preceding calendar year.

(4) The original of each report required by this section shall be filed with the public disclosure commission.

A copy shall be filed with the ~~((auditor))~~ elections officer of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer.

AMENDATORY SECTION (Amending Order 91, filed 7/22/77)

✓ WAC 390-16-125 ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, ~~((390-16-110;))~~ 390-16-115, or 390-16-120 will or may be exceeded, the candidate~~(;)~~ or committee ~~((or other person legally interested in such campaign))~~ may apply to the commission for authorization to ~~((exceed such limitation))~~ change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application ~~((shall))~~ will be considered approved without further action by the commission if the person making application submits ~~((within one day of the time that the limitations are exceeded))~~:

(a) A ~~((properly completed))~~ PDC Form C-1 indicating the intention of using the full reporting system provided by RCW 42.17.040 - 42.17.090;

(b) A ~~((properly completed))~~ PDC Form C-4 with schedules A ~~((and)), B, and T~~ disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county ~~((auditor))~~ elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by ~~((express order))~~ authorization of the ~~((commission chairman or his designated representative))~~ executive director.

(a) Prior to such approval being granted, the ~~((commission chairman or his representative))~~ executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate ~~((and report to the chairman))~~ why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the ~~((commission chairman shall grant a release from the exemption))~~ executive director will approve the reporting option change

conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees ~~((may be granted a seven day extension of the application date shown in subsection (1) above should any of them require release from the limitations of the exemption))~~ may change reporting options by meeting the requirements of subsection (1)(a), (b), and (c) of this section.

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded ~~((without compliance with RCW 42.17-040 - 42.17.090 and without permissive order of the commission granted under these regulations))~~ shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

✓ WAC 390-16-150 MINI CAMPAIGN REPORTING. No candidate as that term is defined in RCW 42.17.020(5) and no political committee whose principal purpose is the support of one candidate and whose organization is known to and countenanced by that candidate (hereafter candidate's committee) shall be required to comply with the provisions of RCW 42.17.060 - 42.17.090 except as otherwise prescribed in this rule in any election campaign for public office in which the aggregate expenditures in the campaign will not exceed the amount of the filing fee provided by law plus a sum not to exceed five hundred dollars.

(1) Any candidate or candidate's committee shall register and file the C-1 registration statement with the commission and county elections officer of the county wherein the candidate resides within fourteen days of the time he publicly announces his candidacy, files for office or the committee is formed, whichever is earliest. The C-1 shall state his intent to use the mini campaign reporting system.

(2) ~~((The C-1 registration shall include a statement by the candidate that no contribution or contributions from any source other than the candidate's personal resources within the aggregate contributions received exceeds one hundred dollars))~~ No person except the candidate may contribute more than two hundred dollars to a campaign using the mini reporting option.

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

✓ WAC 390-16-155 MINI CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. (1) Whenever there is reason to believe that the expenditure limits provided in WAC 390-16-150 will be exceeded or that the candidate or candidate's committee will exceed the limitations on contributions and expenditures provided in WAC 390-16-150, the candidate~~(; candidate's committee or other person legally interested in the campaign))~~ may apply to the commission for authorization to exceed such limits.

(a) The application shall take the form of a new C-1 report indicating the candidate's or candidate committee's intent to report in accordance with either the abbreviated reporting system provided in WAC 390-16-105 or to fully report as provided in RCW 42.17.040 through 42.17.090.

(b) The application shall be accompanied by a statement signed by the candidate affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of notification.

(c) The application shall be submitted to the commission and duplicate copies of C-1 and C-4 report submitted to the county elections officer of the county where the candidate resides within one day of the time that expenditure limits are exceeded.

(2) The application shall be approved without further commission action.

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

WAC 390-16-207 IN-KIND CONTRIBUTIONS AND EXPENDITURES—REPORTING. (1) Whenever a candidate or a political committee makes one or more in-kind expenditures which (i) directly or indirectly, in whole or in part, benefit another identifiable candidate or political committee and (ii) in the aggregate amount to a value of fifty dollars or more in the reporting period, then, for the purpose of complying with the provisions of RCW 42.17.090 (1)(f);

(a) Such candidate or political committee shall identify the candidate or political committee benefited by such expenditure and state the value thereof; and

(b) The candidate or political committee that receives benefit of such expenditure or expenditures shall report a corresponding amount as a contribution received and as an expenditure made by such candidate or political committee.

(2) Whenever a candidate or a political committee makes an in-kind expenditure which supports or opposes more than one candidate or ballot proposition, the person making such expenditure shall identify each candidate or ballot proposition to which such support or opposition is directed and, if the aggregate expenditure amounts to fifty dollars or more, shall state the prorated amount of the expenditure or expenditures properly attributable to each such candidate or ballot proposition.

(3) Whenever a candidate or political committee provides its equipment, property or other facilities owned, retained, leased or controlled by it to another candidate or political committee, the fair market value of the use of such equipment, property or other facilities, if it amounts to fifty dollars or more, shall be reported as follows:

(a) By the candidate or political committee providing the equipment, property or other facilities, by attaching to its Form C-4, Schedule B, a statement setting forth the name of the candidate or political committee benefited and the date, description and value of the in-kind contribution made by it;

(b) By the candidate or political committee benefiting from the use of such equipment, property or other facilities, by reporting the value of such use in its Form C-4, Schedule B, both as a contribution and as an expenditure.

AMENDATORY SECTION (Amending Order 82-04, filed 6/28/82)

WAC 390-16-230 SURPLUS CAMPAIGN FUNDS—USE IN FUTURE. (1) If at any time in the future any contribution or expenditure is received by or made from such surplus fund or funds for any purpose which would qualify the holder as a candidate or political committee, it will be presumed the holder of such funds has initiated a new candidacy or committee. Within fourteen days of the day such contribution or expenditure is received or made, such candidate or political committee shall file ~~((+))~~ (a) a final report for the previous campaign as provided in RCW 42.17.080 and 42.17.090 and ~~((2))~~ (b) a statement of organization and initial report for the new campaign as provided by RCW 42.17.040, 42.17.080 and 42.17.090. The surplus fund may be reported as one sum and listed as a contribution identified as "funds from previous campaign," provided that all augmentations to and all expenditures made from the retained surplus fund from the initial date of retention are reported in detail as to source, recipient, purpose, amount and date of each transaction.

(2) A candidate who, or the political committee of a candidate which, retains surplus funds to use for the support or opposition of other candidates or of ballot propositions has established a continuing political committee, and must thereafter report as such.

(3) A political committee formed to support or oppose a particular ballot proposition which retains surplus funds to use in support or opposition of candidates or of other ballot propositions has become a continuing political committee and must thereafter report as such.

AMENDATORY SECTION (Amending Order 84, filed 8/18/76)

WAC 390-16-306 VOLUNTEER WORKERS, FUND RAISING ACTIVITIES. For the purpose of reporting fund raising activities pursuant to ~~((section 9, chapter 112, Laws of 1975-76 2nd ex. sess.))~~ RCW 42.17.067, time spent by volunteer workers in operating such activities need not be reported. However, the name, address and title of responsible leaders or organizers of the activity shall be reported.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 390-16-061 CAMPAIGN FINANCING—SPECIAL REPORTS.

WAC 390-16-110 ABBREVIATED CAMPAIGN REPORTING—BALLOT PROPOSITIONS.

WAC 390-16-220 SURPLUS CAMPAIGN FUNDS—DEFINITION.

✓ WAC 390-16-225 SURPLUS CAMPAIGN FUNDS—DISPOSITION.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

✓ WAC 390-37-030 ENFORCEMENT PROCEDURES—STATUS OF CITIZEN COMPLAINANT AND OTHERS. (1) When a citizen complaint has been filed with the commission, neither the complainant nor any other person shall have special standing to participate or intervene in the investigation or consideration of the complaint by the commission. However, the staff shall give notice to the complainant of any open commission hearings on the matter and the complainant may be called as a witness in any enforcement hearing or investigative proceeding.

(2) The complainant or any other person may submit documentary evidence and/or written factual or legal statements to the commission at any time. The complainant or any other person wishing to be heard in a compliance matter may request permission in advance of a public hearing on the matter or at such hearing, and the commission may grant such person a reasonable opportunity to be heard.

(3) A person not satisfied with the dismissal of a complaint by the commission or its ((administrator)) executive director when no violation is found, may pursue an appropriate remedy under RCW 42.17.400(4).

AMENDATORY SECTION (Amending Orders 84-03 and 84-03A, filed 5/25/84 and 5/29/84)

✓ WAC 390-37-060 ENFORCEMENT PROCEDURES—INVESTIGATION OF COMPLAINTS—INITIATION OF HEARING. (1) The ((administrator)) executive director shall initiate an enforcement hearing whenever an investigation reveals facts which the ((administrator)) executive director has reason to believe are a material violation of chapter 42.17 RCW and do not constitute substantial compliance.

(2) The respondent shall be notified of the date of the hearing no later than twenty days before that date pursuant to WAC ((390-10-08-040 [WAC 10-08-040])) 10-08-040.

(3) The staff shall provide the respondent, at his/her request, with copies of all materials to be presented by the staff at the hearing.

(4) It is the policy of the commission during the course of any investigation that all records generated or collected as a result of that investigation are exempt from public inspection and copying under RCW 42.17.310 (1)(d). If a request is made for any such record which implicates the privacy of an individual, written notice of the records request will be provided to the individual in order that such individual may request a protective order from a court under RCW 42.17.330.

AMENDATORY SECTION (Amending Order 81-04, filed 12/28/81)

✓ WAC 390-37-063 ENFORCEMENT PROCEDURES—DEMAND FOR INFORMATION—SUBPOENAS. (1) During the course of an audit or an

investigation, the ((administrator)) executive director may issue a "demand for information" directed to any person who probably possesses information which is relevant and material to the audit or the investigation. The "demand for information" shall

(a) Specifically describe the information which is sought, and

(b) Set forth a reasonable time and place for the production of the information, and

(c) Notify the person that if the information is not produced, the ((administrator)) executive director will present a request to the commission, at its next regular or special meeting, to issue a subpoena for the information pursuant to RCW 42.17.370(5).

The "demand for information" may be personally delivered or sent by certified mail, return receipt requested.

(2) The commission may issue a subpoena under RCW 42.17.370(5) to compel persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other documents which the commission deems relevant and material.

(3) Whenever the commission will consider the issuance of a subpoena, the ((administrator)) executive director will place the matter on the published agenda for that meeting and, in addition, give the respondent, if any, and the person to whom the subpoena would be directed, at least five days written notice of the time and place where the meeting will be held.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

✓ WAC 390-37-070 ENFORCEMENT PROCEDURES—COMPLAINTS DISMISSIBLE BY ((ADMINISTRATOR)) EXECUTIVE DIRECTOR. The ((administrator)) executive director, with the concurrence of the chairman, at any time prior to consideration by the commission, may dismiss a complaint which on its face, or as shown by investigation, does not show reason to believe that a material violation of chapter 42.17 RCW has occurred.

AMENDATORY SECTION (Amending Order 84-03, filed 5/25/84)

✓ WAC 390-37-090 ENFORCEMENT PROCEDURES—CASES RESOLVABLE BY STIPULATION. (1) When the ((administrator)) executive director and respondent agree that some or all of the facts are uncontested, the ((administrator)) executive director and respondent shall prepare a stipulated statement of fact for presentation to the commission.

(2) The commission may ask that additional facts be presented if it deems any stipulation to be inadequate.

(3) The commission shall refer the matter to the ((administrator)) executive director for further investigation or other action consistent with the commission's deliberations if the commission does not approve the stipulated statement of fact.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

✓ WAC 390-37-100 ENFORCEMENT PROCEDURES—CONDUCT OF HEARINGS. (1) An enforcement hearing shall be conducted pursuant to the Administrative Procedure Act (chapter 34.04 RCW) and its supporting regulations (chapter 10-08 WAC).

(2) An enforcement hearing shall be heard either by the commission or, under RCW 34.12.040 or 34.12.050(2), by a duly designated administrative law judge.

(3) Upon the conclusion of an enforcement hearing heard by an administrative law judge, the judge shall prepare and present to the commission findings of fact, conclusions of law, and a proposed decision determinative of the matter. A copy of the findings of fact, conclusions of law and the proposed decision shall be served upon the ((administrator)) executive director and the respondent. Both the respondent and the ((administrator)) executive director shall be afforded an opportunity to file exceptions and written argument with the commission. The commission shall review the proposed decision at its next regular meeting or at a special meeting called for that purpose. The commission shall consider the whole record or such portions as shall be cited by the parties. Oral argument may be heard at the discretion of the commission.

(4) After either a hearing by the commission or review by the commission of the proposed decision of an administrative law judge the commission may find that:

(a) Respondent did not violate the act, as alleged, and dismiss the case; or

(b) Respondent violated chapter 42.17 RCW, as alleged, and determine the sanction, if any, to be imposed, or

(c) Respondent is in apparent violation of chapter 42.17 RCW, its own remedy is inadequate and enter its order referring the matter to the appropriate law enforcement agency as provided in RCW 42.17.360.

(5) Upon the conclusion of a hearing, the commission

(a) Shall set forth in writing its findings of fact, conclusions of law and decision on the merits of the case; and

(b) Shall deliver, either in person or by mail, to each respondent and their representative a copy of the findings of fact, conclusions of law and decision.

(6) When the commission finds an apparent violation and refers the matter to an enforcement agency, the commission shall give to the respondent written notice of such finding and order of referral.

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

✓ WAC 390-37-210 HEARINGS—SUBPOENAS.

(1) The commission, upon request by any party, may subpoena persons to appear and give testimony and may require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material((fs)).

(2) Such subpoena will issue and may be enforced in the form and manner set forth in RCW 34.04.105 and WAC 10-08-120.

WSR 86-04-072**ADOPTED RULES****UTILITIES AND TRANSPORTATION
COMMISSION**

[Order R-251, Cause No. U-85-78—Filed February 5, 1986]

In the matter of amending WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032 relating to political education activities.

This action is taken pursuant to initial Notice No. WSR 85-24-065 filed with the code reviser on December 3, 1985. This rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

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).

Pursuant to Notice No. WSR 85-24-065 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington, and continued by Notice No. WSR 86-04-023 to the Commission's Hearing Room, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington. In each instance the matter was before Chairman Sharon L. Nelson and Commissioners Robert W. Bratton and Richard D. Casad.

Under the terms of the initial notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to January 3, 1986. Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments orally at 9:00 a.m., Wednesday, January 8, 1986, in the Commission's Hearing Room, Sixth Floor, Highways-Licenses Building, Olympia, Washington.

At the January 8, 1986, meeting the commission considered the rule change proposal. Written and oral comments were received from Cascade Natural Gas Company and Pacific Northwest Bell Telephone Company. The commission then continued the matter to February 5, 1986, for consideration of the comments and for final adoption.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032 as amended

will define the nature of political education activities, and provide that expenses associated with said activities will not be charged to ratepayers.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-90-032, 480-100-032, 480-110-032 and 480-120-032 as set forth in Appendix A, be amended as rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHERED ORDERED That the order and the annexed rule, after first being 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 5th day of February, 1986.

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

APPENDIX "A"

NEW SECTION

✓ WAC 480-90-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

NEW SECTION

✓ WAC 480-100-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to

legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

NEW SECTION

✓ WAC 480-110-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

NEW SECTION

✓ WAC 480-120-032 ACCOUNTING—POLITICAL INFORMATION AND POLITICAL EDUCATION ACTIVITIES. (1) As used in this rule the term "political information and political education activities" includes, but is not limited to, newsletters, employee seminars, public meetings, advertising, employee or customer notices or mailings, or other forms of communication which (a) encourage support of or opposition to legislation, candidates for public office, or office holders; (b) solicit support for political action committees; (c) gather data for political mailing lists; or (d) solicit political contributions or recruit political volunteers.

(2) In addition to accounting for lobbying and other political expenses in accordance with the applicable system of accounts, every public service company incurring any direct or indirect expense associated with or in furtherance of any political information or political education activity, shall account for such costs separately in a nonoperating expense account. No such expense shall be permitted for ratemaking purposes.

WSR 86-04-073
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)
 [Filed February 5, 1986]

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 periodic review and redetermination of eligibility, amending WAC 388-38-280;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, 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 March 19, 1986.

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

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

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

Lee D. Bomberger, Acting 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 February 25, 1986. The meeting site is in a location which is barrier free.

Dated: February 4, 1986

By: Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

STATEMENT OF PURPOSE

Re: WAC 388-38-280.

Reason These Rules are Necessary: To correct the redetermination period for the AFDC-employable program.

Statutory Authority: RCW 74.08.090.

Summary of the Rule Change: AFDC-E cases are to have their eligibility redetermined every six months.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Mary Rose M. Trepanier, Division of Income Assistance, mailstop OB-31J, phone 753-3177.

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

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

WAC 388-38-280 PERIODIC REVIEW AND REDETERMINATION OF ELIGIBILITY. (1) A redetermination of eligibility as used in this section means a complete periodic review of all eligibility and need factors.

(2) Chapters 388-28 and 388-33 WAC contain rules and procedures to keep the eligibility and amount of the legal public assistance grant currently correct for all recipients at all times. WAC 388-38-200 contains a description of methods used in establishing and maintaining eligibility.

(3) To ~~((insure))~~ ensure eligibility and correctness of grants and to meet federal requirements.

(a) AFDC-R and AFDC-FC recipients shall have their continued eligibility for such assistance redetermined at least once in every six months of continuous receipt of assistance;

(b) AFDC-E recipients shall have their continued eligibility for such assistance redetermined at least once in every ~~((three))~~ six months of continuous receipt of assistance.

(4) Forms designated by the department shall be used at the time of the periodic review of eligibility. These forms shall be the statement in support of continuing eligibility. Completion and submission of the forms to the department are required from a recipient to establish continuing eligibility. The forms shall contain, or be verified by, the recipient's written declaration that the answers thereon are made under the penalty of perjury and that this declaration shall be in lieu of any oath otherwise required. If there are two or more assistance units in a family, only one currently valid review of eligibility form covering the family's resources is required.

WSR 86-04-074
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
 [Order 2339—Filed February 5, 1986]

I, Lee D. Bomberger, acting director of the Division of Administration and Personnel, do promulgate and adopt at Olympia, Washington, the annexed rules relating to certification, amending WAC 275-26-020.

I, Lee D. Bomberger, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is due to budget limitations, the department no longer has the resources to enforce this rule as it is now written.

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

This rule is promulgated pursuant to chapter 72.33 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 5, 1986.

By Lee D. Bomberger, Acting Director
 Division of Administration and Personnel

AMENDATORY SECTION (Amending Order 1945, filed 2/9/83)

WAC 275-26-020 CERTIFICATION. (1) Upon determination by the department of substantial compliance with WAC 275-26-030, the division may certify a tenant support agency as approved for referral of and

service provision to tenants under the provision of chapter 72.33 RCW. This certification is required (~~annually~~) biennially, but may be required more frequently by the division. Initial application or proposal for certification shall be reviewed by the county and recommendations shall be forwarded by the county to the division. The county may submit recommendations to the division prior to annual certification by the department.

(2) An agency found to be substantially out of compliance with the provisions of this WAC chapter shall be subject to interim certification and revocation procedures as outlined in WAC 275-26-015.

WSR 86-04-075
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)
[Filed February 5, 1986]

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 certification, amending WAC 275-26-020.

It is the intention of the secretary to adopt these rules on an emergency basis on or about February 5, 1986;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, 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 March 19, 1986.

The authority under which these rules are proposed is chapter 72.33 RCW.

The specific statute these rules are intended to implement is chapter 72.33 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

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

Lee D. Bomberger, Acting 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 February 25, 1986. The meeting site is in a location which is barrier free.

Dated: February 4, 1986

By: Lee D. Bomberger, Acting Director
Division of Administration and Personnel

STATEMENT OF PURPOSE

This statement is filed pursuant to RCW 34.04.045.
Re: WAC 275-26-020.

Reason These Rules are Necessary: To adjust department certification requirements to match the allocations of funding for this purpose.

Statutory Authority: Chapter 72.33 RCW.

Summary of Rule Change: Changes the certification requirement for general support agencies for the developmentally disabled from annual to biennial.

Person Responsible for Drafting, Implementation and Enforcement of the Rule Change: Cliff Lamb, Program Manager, Division of Developmental Disabilities, mailstop OB 42C, phone 753-3177.

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

AMENDATORY SECTION (Amending Order 1945, filed 2/9/83)

WAC 275-26-020 CERTIFICATION. (1) Upon determination by the department of substantial compliance with WAC 275-26-030, the division may certify a tenant support agency as approved for referral of and service provision to tenants under the provision of chapter 72.33 RCW. This certification is required (~~annually~~) biennially, but may be required more frequently by the division. Initial application or proposal for certification shall be reviewed by the county and recommendations shall be forwarded by the county to the division. The county may submit recommendations to the division prior to annual certification by the department.

(2) An agency found to be substantially out of compliance with the provisions of this WAC chapter shall be subject to interim certification and revocation procedures as outlined in WAC 275-26-015.

WSR 86-04-076
PROPOSED RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning definitions ("availability" and "underutilization"), amending WAC 251-04-020;

that the agency will at 9:00 a.m., Friday, March 21, 1986, in the North Green Room, North Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 21, 1986.

Dated: February 4, 1986

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1986, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-04-020 Definitions ("availability" and "underutilization").

Description of Purpose: To define terms used in Title 251 WAC.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100(22).

Summary of Rule: To provide meanings for words in the context that they are used in these rules.

Reasons Supporting Proposed Action: The legislature passed and the governor signed Engrossed Substitute Senate Bill 3346, which mandated the Higher Education Personnel Board to adopt rules on affirmative action as it relates to higher education institutions/related boards.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 136, filed 9/25/85)

WAC 251-04-020 DEFINITIONS. Unless the context clearly indicates otherwise, the words used in these rules shall have the meanings given in this section.

"ADMINISTRATIVE ASSISTANT EXEMPTION" - A president or vice president may have individual(s) acting as his/her administrative assistant(s). The employee normally performs supportive work for his/her superior as an individual contributor without subordinates.

"ADMINISTRATIVE EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty is office or nonmanual work directly related to the management policies or general business operations; and

(2) Must have the authority to make important decisions, customarily and regularly exercise discretion and independent judgment, as distinguished from using skills and following procedures; and

(3) Must regularly assist an executive or administrative employee, or perform work under, only general supervision along specialized or technical lines requiring special training, experience or knowledge; and

(4) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of responsible office or nonmanual work directly related to management policies or general business operations.

"AGRICULTURAL EMPLOYEES" - Employees performing work which includes farming and all its branches, including cultivating the soil, or growing or harvesting crops, or raising livestock, bees, fur-bearing animals, or poultry; or doing any practices performed by a farmer or on a farm as an incident to or in conjunction with such farming operations.

"ALLOCATION" - The assignment of an individual position to an appropriate class on the basis of the kind, difficulty, and responsibility of the work of the position.

"ANNUAL PERFORMANCE EVALUATION" - The official annual performance rating of an employee recorded on a form approved by the board.

"APPOINTING AUTHORITY" - A person or group of persons lawfully authorized to make appointments.

"AVAILABILITY" - An estimate, based on the best data available, of the number of women, racial/ethnic minorities, persons in the protected age category, Vietnam-era and disabled veterans, and (~~handicapped~~) persons of disability who have the skills and abilities required for employment in a particular job group, or who are capable of acquiring them, as determined from an analysis of relevant data.

"BOARD" - The higher education personnel board established under the provisions of the higher education personnel law.

"CERTIFICATION" - The act of providing an employing official or appointing authority with the names of the appropriate eligibles to be considered for appointment to fill a vacancy.

"CHARGES" - A detailed statement of the specific incidents alleging cause for dismissal or disciplinary action.

"CLASS" - One or more positions sufficiently similar with respect to duties and responsibilities that the same descriptive title may be used with propriety to designate each position allocated to the class; that the same general qualification requirements are needed for performance of the duties of the class; that the same tests of fitness may be used to select employees; and that the same schedule of pay can be applied with equity to all positions in the class under the same or substantially the same employment conditions.

"CLASSIFIED SERVICE" - All positions in the higher education institutions which are subject to the provisions of the higher education personnel law.

"COLLECTIVE BARGAINING" - The performance of the mutual obligation of the appointing authority and the certified exclusive bargaining representative to meet at reasonable times, to confer and bargain in good faith, and to execute a written agreement with respect to those personnel matters over which the appointing authority may lawfully exercise discretion.

"COMPETITIVE SERVICE" - All positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

"CORRECTIVE EMPLOYMENT PROGRAM" - A program designed to increase the employment of handicapped persons and of women and minorities who are underutilized in certain job groups because of present or past practices or other conditions which resulted in limited employment opportunities.

"COUNSELING EXEMPTION" - Individuals in counseling-exempt positions are responsible for directing and/or participating in providing academic, athletic, medical, career, financial aid, student activity and/or personal counseling to students. Such activities include, but are not limited to, providing individual and group guidance services using recognized professional techniques and practices.

"CYCLIC YEAR POSITION" - A position scheduled to work less than twelve full months each year, due to known, recurring periods in the annual cycle when the position is not needed.

"DEMOTION" - The change of an employee from a position in one class to a position in another class which has a lower salary range maximum.

"DEVELOPMENT" - The attainment through work experience and training of proficiency in skills which will enable the employee to perform higher level duties.

"DIRECTOR" - The personnel director of the higher education personnel board.

"DISMISSAL" - The termination of an individual's employment for just cause as specified in these rules.

"ELIGIBLE" - An applicant for a position in the competitive service who has met the minimum qualifications for the class involved, has been admitted to and passed the examinations, and has met all requirements for eligibility as stated on the bulletin board posting; or an applicant for a position in the noncompetitive service who has met all requirements for eligibility as stated on the bulletin board posting.

"ELIGIBLE LIST" - A list established by the personnel officer, composed of names of persons who have made proper application, met the minimum qualifications, and successfully completed the required examination process to be certified for vacancies in a class at the institution.

"EMPLOYEE" - A person working in the classified service at an institution.

"EMPLOYEE ORGANIZATION" - Any lawful association, labor organization, federation, council, or brotherhood, having as one of its purposes the improvement of working conditions among employees, and

which has filed a notice of intent to represent employees with the director, and which has been authorized in accordance with WAC 251-14-020.

"EMPLOYING OFFICIAL" – An administrative or supervisory employee designated by the appointing authority to exercise responsibility for requesting certification, interviewing eligibles, and employing classified employees.

"ESSENTIAL JOB ELEMENTS" – Knowledges, skills, and abilities which persons must possess in order to perform the duties of a class or a specific position in a class.

"EXAMINATIONS" – Any measures or assessments used in the process of identifying names for certification to vacancies in accordance with RCW 28B.16.100(2) and WAC 251-18-240. Examinations include examination content, administration, and evaluation.

"EXECUTIVE EMPLOYEES" – Management personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must be management of a recognized department or subdivision; and

(2) Must customarily and regularly direct the work of two or more employees; and

(3) Must have the authority to hire and fire, or to recommend with authority on these and other actions affecting employees; and

(4) Must customarily and regularly exercise discretionary powers; and

(5) Must be paid at a rate of at least \$672 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if he/she regularly directs the work of at least two other employees and the primary duty is management of a recognized department or subdivision.

"EXECUTIVE HEAD EXEMPTION" – Executive heads of major academic or administrative divisions are analogous in the hierarchy to vice presidents, deans and chairmen. Directors may be executive heads as determined by the higher education personnel board. An executive head is in charge of a separate budget unit and directs subordinates.

"EXEMPT POSITION" – A position properly designated as exempt from the application of these rules as provided in WAC 251-04-040. (Also see separate definitions of "administrative assistant exemption," "executive head exemption," "research exemption," "counseling exemption," "extension and/or continuing education exemption," "graphic arts or publication exemption," and "principal assistant exemption.")

"EXTENSION AND/OR CONTINUING EDUCATION EXEMPTION" – Individuals considered exempt in this category are responsible for originating and developing formal education programs for the general public, usually involving close contact with faculty and staff or training or consulting with specific groups in the community to enable them to provide specialized training and/or services to the community.

"FINAL EXAMINATION SCORE" – An applicant's final passing score on an examination, plus any veterans preference or other applicable credits added in accordance with WAC 251-18-130, 251-18-180 (6) and/or (8)(b).

"FRINGE BENEFITS" – As used in the conduct of salary surveys, the term shall include but not be limited to compensation for leave time, including vacation, civil, and personal leave; employer retirement contributions; health insurance payments, including life, accident, and health insurance, workmen's compensation, and sick leave; and stock options, bonuses, and purchase discounts where appropriate.

"FULL-TIME EMPLOYMENT" – Work consisting of forty hours per week.

"GRAPHIC ARTS OR PUBLICATION EXEMPTION" – Individuals qualifying for exemption under this category will be involved in performing selected graphic arts or publication activities requiring prescribed academic preparation or special training. Positions of this type are those which use special visual techniques, require original design and layout and/or can be distinguished from positions associated with the standard editorial functions.

"GRIEVANCE" – A dispute filed in accordance with a grievance procedure of a signed collective bargaining agreement.

"HANDICAPPED PERSON" – Any person with physical, mental or sensory impairments that would impede that individual in obtaining and maintaining permanent employment and promotional opportunities. The impairments must be material rather than slight, static and permanent in that they are seldom fully corrected by medical replacement, therapy, or surgical means.

"HEARING EXAMINER" – An individual appointed by the board to preside over, conduct and make recommended decisions including findings of fact and conclusions of law in all cases of employee appeals to the board.

"INSTITUTIONAL EXAMINATION" – An examination developed to meet unique requirements of a single institution.

"INSTITUTIONS OF HIGHER EDUCATION" – The University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges. For purposes of application of these rules, the term shall be considered to include the various related boards as defined in this section, unless specifically indicated to the contrary.

"JOB ANALYSIS" – Any systematic procedure for gathering, documenting and analyzing information about the job content and requirements for a class or position in a class.

"JOB CATEGORIES" – Those groupings required in equal employment opportunity reports to federal agencies.

"JOB GROUP" – For affirmative action goal-setting purposes, a group of jobs having similar content, wage rates and opportunities. An EEO job category may consist of one or more job groups.

"LATERAL MOVEMENT" – Appointment of an employee to a position in another class which has the same salary range maximum as the employee's current class.

"LAYOFF" – Any of the following management initiated actions caused by lack of funds or lack of work:

(1) Separation from service to an institution;

(2) Separation from service within a class;

(3) Reduction in the work year; and/or

(4) Reduction in the number of work hours.

"LAYOFF SENIORITY" – The total amount of service an employee earns as a result of unbroken classified employment and statutory allowance.

"LAYOFF UNIT" – A clearly identified structure within an institution, which is approved by the director, and within which employment/lay-off options are determined in accordance with the reduction in force procedure.

"LEAD" – An employee who performs the same duties as other employees in his/her work group and in addition regularly assigns, instructs and checks the work of the employees.

"NONCOMPETITIVE SERVICE" – All positions in the classified service for which a competitive examination is not required.

"ORGANIZATIONAL UNIT" – A clearly identified structure, or sub-structure of persons employed to achieve a common goal or function under the direction of a single official. An organizational unit may consist of either an administrative entity or a geographically separated activity.

"PART-TIME EMPLOYMENT" – Work of twenty or more hours per week but less than full time employment with an understanding of continuing employment for six months or more.

"PERIODIC INCREMENT DATE" – ("P.I.D.") – The date upon which an employee is scheduled to move to a higher salary step within the range for his/her current class.

"PERMANENT EMPLOYEE" – An employee who has successfully completed a probationary period at the institution within the current period of employment or trial service period resulting from promotion, transfer, lateral movement, or voluntary demotion from another institution, related board or state agency.

"PERSONNEL OFFICER" – The principal employee in each institution/related board responsible for administrative and technical personnel activities of the classified service.

"P.I.D." – Commonly used abbreviation for periodic increment date.

"POSITION" – A set of duties and responsibilities normally utilizing the full or part time employment of one employee.

"PRINCIPAL ASSISTANT EXEMPTION" – Individuals qualifying for exemption under this category function as second-in-command in importance levels. The individual may perform many of the functions of his/her superior in the superior's absence, or alternatively may have major administrative or program responsibilities. Reporting relationships will not be below that of the executive head. In some institutions an executive head may have more than one principal assistant as determined by the higher education personnel board.

"PROBATIONARY PERIOD" – The initial six-month period of employment in a class following appointment from an eligible list of a non-permanent employee. However, upon prior approval by the board, the probationary period for selected classes may be established for a period in excess of six months but not to exceed twelve months.

"PROBATIONARY REAPPOINTMENT" - Appointment of a probationary employee from an eligible list to a position in a different class.

"PROFESSIONAL EMPLOYEES" - Personnel whose responsibilities require them to spend at least 80% of their work hours as follows:

(1) Primary duty must involve work that requires knowledge of an advanced type in a field of science or learning, customarily obtained by a prolonged course of specialized instruction and study or work that is original and creative in character in a recognized field of artistic endeavor and the result of which depends primarily on invention, imagination, or talent; and

(2) Must consistently exercise discretion and judgment; and

(3) Must do work that is predominantly intellectual and varied, as distinguished from routine or mechanical duties; and

(4) Must be paid at a rate of at least \$737 per month exclusive of board, lodging or other facilities.

For persons whose salaries exceed \$1083 per month, the 80% limitation does not apply if the primary duty consists of work requiring knowledge of an advanced type in a field of science or learning which requires consistent exercise of discretion and judgment.

"PROMOTION" - The appointment as a result of recruitment, examination and certification, of a permanent employee to a position in another class having a higher salary range maximum.

"PROVISIONAL APPOINTMENT" - Appointment made prior to establishment of an eligible list, per the provisions of WAC 251-18-300. A person so appointed is required to apply through the competitive process to be considered for the position on a permanent basis.

"PUBLIC RECORDS" - Any writing containing information relating to conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

"RATING FACTOR" - An element, duty, responsibility, skill, ability, or other specific aspect of performance which is rated as part of the annual performance evaluation.

"RATING GUIDE" - A written document which outlines the way in which ratings are assigned to applicants' experience, training, or other qualifications on each job element in an examination. It specifies the range of ratings to be given for each job element and gives examples of the experience, training, or other qualifications that will be used to assign ratings.

"REALLOCATION" - The assignment of a position by the personnel officer to a different class.

"REASSIGNMENT" - A management initiated movement of a classified employee from one position to another in the same class.

"RELATED BOARDS" - The state board for community college education, the council for postsecondary education, the higher education personnel board, and such other boards, councils and commissions related to higher education as may be established. For purposes of application of these rules, the term "institution" shall be considered to include these related boards, unless specifically indicated to the contrary.

"RESEARCH EXEMPTION" - Individuals in research-exempt positions spend the majority of their time in one or more of the following activities: Identification and definition of research problems, design of approaches or hypotheses and methodology to be used, design of specific phases of research projects, analysis of results, development of conclusion and hypothesis, presentation of research results in publishable form.

"RESIGNATION" - A voluntary termination of employment.

"REVERSION" - The return of a permanent employee from trial service to the most recent class in which permanent status was achieved at the institution.

"SPECIFIC POSITION ELEMENTS" - Knowledges, skills, and abilities which a job analysis indicates to be significant for performing the duties of a specific position in a class but which are not significant for the class in general.

"SPECIFIC POSITION REQUIREMENTS" - Specific position elements which are essential job elements.

"SUPERVISOR" - Any individual having authority, in the interest of the employer, to hire, transfer, suspend, layoff, recall, promote, discharge, assign, reward or discipline other employees, or responsibility to direct them or adjust their grievances, or effectively to recommend such action if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

"SUSPENSION" - An enforced absence without pay for disciplinary purposes.

"SYSTEM EXAMINATION" - An examination developed to meet the requirements of all institutions in the HEPB system and approved by the director for use by all such institutions.

"TEMPORARY APPOINTMENT" -

(1) Work performed in the absence of an employee on leave for:

(a) Less than ninety consecutive calendar days (WAC 251-18-350(4));

(b) Ninety or more consecutive calendar days (WAC 251-18-350(2)); or

(2) Formal assignment of the duties and responsibilities of a higher level class for a period of less than ninety consecutive calendar days; or

(3) Performance of extra work required at a work load peak, a special project, or a cyclic work load which does not exceed one hundred seventy-nine consecutive calendar days.

"TRAINING" - Formal and systematic learning activities intended to provide employees with the knowledge and skills necessary to become proficient or qualified in a particular field.

"TRANSFER" - An employee initiated change from one classified position to another in the same class without a break in service.

"TRIAL SERVICE" - The initial period of employment following promotion, transfer, demotion, or lateral movement into a class in which the employee has not held permanent status at the institution or related board, beginning with the effective date of the change and continuing for six months, unless interrupted as provided in these rules or extended as provided in WAC 251-18-330(6).

"UNDERUTILIZATION" - Having fewer racial/ethnic minorities, women, persons in the protected age category, Vietnam-era and disabled veterans, or ((handicapped)) persons of disability in a particular job group than would reasonably be expected by their availability.

"UNION SHOP" - A union membership provision which, as a condition of employment, requires all employees within a bargaining unit to become members of an employee organization.

"UNION SHOP REPRESENTATIVE" - An employee organization which is the exclusive representative of a bargaining unit that has been certified by the director as the union shop representative following an election wherein a majority of employees in the bargaining unit voted in favor of requiring membership in the employee organization as a condition of employment.

"UNION SHOP REPRESENTATION FEE" - Employees who are granted a nonassociation right based on religious tenets or teachings of a church or religious body of which they are members, must pay a representation fee to the union shop representative. Such fee is equivalent to the regular dues of the employee organization minus any monthly premiums for union sponsored insurance programs.

"WRITING" - Handwriting, typewriting, printing, photostating, photographing and every other means of recording any form of communication or representation including letters, words, pictures, sounds; or symbols or combination thereof and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

WSR 86-04-077

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning petition for decertification of exclusive representative, amending WAC 251-14-050;

that the agency will at 9:00 a.m., Friday, March 21, 1986, in the North Green Room, North Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 21, 1986.

Dated: February 4, 1986
By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1986, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-14-050 Petition for decertification of exclusive representative.

Description of Purpose: Procedure for petitioning for decertification of an exclusive bargaining representative.

Statutory Authority: RCW 28B.16.100.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100(11).

Summary of Rule: Clarifies the impact of automatic renewals or extensions of contracts on requests for decertification elections during the period prior to an expiration date of a contract; modifies the time period for filing of petition; and specifies discontinuance of contract negotiations.

Reason Supporting Proposed Action: The filing of a recent petition for a decertification of exclusive representative election required a written interpretation of the intent of the rules regarding the effect of automatic extension articles in written collective bargaining agreements.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Wilean Denton, Interinstitutional Personnel Officers Committee, scan 323-6236, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or federal or state court action.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-050 PETITION FOR DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a secret vote of the employees, providing twelve months have elapsed since the last certification and between one-hundred twenty and ninety calendar days ((or less)) remain before the termination date of any existing collective bargaining agreement covering the employees of the unit. The termination date of a contract stands by itself exclusive of any automatic renewal or extension provision in the contract. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring to have their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election. The ten calendar day period shall begin three days after the director's notice is mailed, and a request by an employee organization to be placed

on the ballot shall be deemed timely if postmarked within the ten calendar day period. The ballot will contain the name of the employee organization which is currently certified as the exclusive representative and any other employee organization that has shown satisfactory proof of at least ten percent representation of the employees in the bargaining unit. Upon issuance of a written notice of election by the director, contract negotiations in process shall be discontinued. Such an election shall be conducted in accordance with WAC 251-14-040 ((2;)) (3)((;)) and (4). Another exclusive representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous exclusive representative decertification election.

(2) When the board, pursuant to WAC 251-14-030, combines existing bargaining units into one new unit, the combination shall effect an automatic decertification of the affected exclusive representatives except in those instances where the same employee organization is certified as the exclusive representative for all of the existing bargaining units that are being combined into one new unit.

WSR 86-04-078

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed February 5, 1986]

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

Amd WAC 251-14-050 Petition for decertification of exclusive representative.

Amd WAC 251-14-060 Contents of written agreements;

that the agency will at 9:00 a.m., Friday, March 21, 1986, in the North Green Room, North Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 21, 1986.

Dated: February 4, 1986
By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1986, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-14-050 Petition for decertification of exclusive representative.

Description of Purpose: Procedure for petitioning for decertification of an exclusive bargaining representative.

Title: WAC 251-14-060 Contents of written agreements.

Description of Purpose: Specific provisions to be included in the contents of written collective bargaining agreements.

Statutory Authority: RCW 28B.16.100.

Specific Statute this Rule is Intended to Implement: RCW 28B.16.100(11).

Summary of Rules: These proposed rule modifications are needed to clarify the impact of automatic renewals or extensions of contracts on requests for decertification elections during the 90-day period prior to an expiration date of a contract.

Reasons Supporting Proposed Action: The filing of a recent petition for a decertification of exclusive representative election required a written interpretation of the intent of the rules regarding the effect of automatic extension articles in written collective bargaining agreements.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-050 PETITION FOR DECERTIFICATION OF EXCLUSIVE REPRESENTATIVE. (1) Upon petition to the director by not less than thirty percent of the employees of a bargaining unit, decertification or a new certification shall be determined by a secret vote of the employees, providing twelve months have elapsed since the last certification and ninety calendar days or less remain before the termination date of any existing collective bargaining agreement covering the employees of the unit. The termination date of a contract stands by itself exclusive of any automatic renewal or extension provision in the contract. Upon granting a request for an election, the director shall give written notice thereof and allow ten calendar days for other employee organizations desiring to have their names placed on the ballot to show satisfactory proof of at least ten percent representation of employees on the active payroll who were employed within the bargaining unit at the close of the payroll period immediately preceding the date of notice of election. The ten calendar day period shall begin three days after the director's notice is mailed, and a request by an employee organization to be placed on the ballot shall be deemed timely if postmarked within the ten calendar day period. The ballot will contain the name of the employee organization which is currently certified as the exclusive representative and any other employee organization that has shown satisfactory proof of at least ten percent representation of the employees in the bargaining unit. Such an election shall be conducted in accordance with WAC 251-14-040 ((2;)) (3)((-)) and (4). Another exclusive representative decertification election shall not be held concerning the same bargaining unit for at least twelve months from the date of the last previous exclusive representative decertification election.

(2) When the board, pursuant to WAC 251-14-030, combines existing bargaining units into one new unit, the combination shall effect an automatic decertification of the affected exclusive representatives except in those instances where the same employee organization is certified as the exclusive representative for all of the existing bargaining units that are being combined into one new unit.

AMENDATORY SECTION (Amending Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-14-060 CONTENTS OF WRITTEN AGREEMENTS. (1) Written agreements may contain provisions covering all personnel matters over which the institution related board may lawfully exercise discretion.

(2) Written agreements shall include a grievance procedure for processing individual and group grievances within the bargaining unit and

shall provide for mediation by the director or designee and for arbitration by the board. Mediation by the director or designee and arbitration by the board of a grievance dispute shall not apply in those instances where the same complaint has been filed for hearing either through the unfair labor practice or appeal procedures of the higher education personnel board rules.

(3) Written agreements may contain provisions for payroll deduction of employee organization dues and/or union shop representation fees upon written authorization from the employee. Any employee may cancel his/her payroll deduction of employee organization dues by filing a written notice with the appointing authority or designee and the employee organization thirty calendar days prior to the effective date of such cancellation.

(4) Written agreements shall be for a minimum of one year in duration and shall not exceed three years. Automatic renewal or extension provisions may extend the term of a contract for only one year at a time. An automatic renewal or extension provision in a contract cannot act as a bar to a request for an exclusive representative decertification election per WAC 251-14-050(1).

(5) Where there are collective bargaining agreements in effect in bargaining units which are combined per WAC 251-14-030, the board shall determine the application of such bargaining agreements or terms thereof when there is an impasse between the exclusive representative and the institution.

(6) Institutions shall file signed written agreements with the director. Provisions of such agreements shall not prevail if in conflict with the higher education personnel board rules, the higher education personnel law or other applicable law.

WSR 86-04-079

PROPOSED RULES

HIGHER EDUCATION PERSONNEL BOARD

[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Higher Education Personnel Board intends to adopt, amend, or repeal rules concerning holidays, amending WAC 251-22-040;

that the agency will at 9:00 a.m., Friday, March 21, 1986, in the North Green Room, North Seattle Community College, Seattle, Washington, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 28B.16.100.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 21, 1986.

Dated: February 4, 1986

By: John A. Spitz
Director

STATEMENT OF PURPOSE

This statement is related to the notice filed with the code reviser on February 4, 1986, and is filed pursuant to RCW 34.04.025.

Title: WAC 251-22-040 Holidays.

Description of Purpose: To specify legal holidays observed by the institutions and related boards in the state of Washington.

Statutory Authority: RCW 28B.16.100 to implement the provisions of that section.

Specific Statute this Rule is Intended to Implement: RCW 1.16.050.

Summary of Rule: To observe the third Monday in February as Presidents' Day in line with RCW 1.16.050, rather than President's Day as it is currently codified.

Reasons Supporting Proposed Action: This is a house-keeping item to modify the current singular possessive word (President's) to plural possessive (Presidents').

Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Spitz, Director, Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, scan 234-3730 or 753-3730.

Person or Organization Proposing Rule, and Whether Public, Private or Governmental: Higher Education Personnel Board staff, governmental.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: The change is not the result of federal law or state or federal court action.

AMENDATORY SECTION (Amending Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-22-040 HOLIDAYS. (1) Legal holidays are designated by statute. The following holidays are identified per RCW 1.16.050:

- (a) The first day of January (New Year's Day);
- (b) The third Monday of January (Martin Luther King, Jr.'s birthday);
- (c) The third Monday of February (~~President's~~) Presidents' Day;
- (d) The last Monday of May (Memorial Day);
- (e) The fourth day of July (Independence Day);
- (f) The first Monday in September (Labor Day);
- (g) The eleventh day of November, (Veteran's Day);
- (h) The fourth Thursday of November (Thanksgiving Day);
- (i) The day immediately following Thanksgiving Day; and
- (j) The twenty-fifth day of December (Christmas Day).

Each higher education institution will provide qualifying employees in pay status with a paid holiday on the above days. However, the governing board of each institution, and in the case of the community college system through the state board for community college education, may designate other days to be observed in lieu of the above holidays. Holiday schedules must be filed annually with the director for approval prior to implementation and may not be modified without prior approval by the director. Schedules may be submitted on a calendar or fiscal year basis. When an institution establishes an in lieu of schedule, paid holidays shall be granted based on the approved in lieu of schedule.

(2) Classified employees working twelve-month schedules or cyclic year position employees who work full monthly schedules throughout their work year shall receive the number of holidays for which they qualify during their scheduled work year as set forth in this section. Qualification is determined by being in pay status on the work day preceding the holiday(s).

(3) Cyclic year position employees scheduled to work less than full monthly schedules throughout their work year qualify for holiday compensation if they work or are in pay status on their last regularly scheduled working day preceding the holiday(s) in that month.

(4) Part time classified employees shall be entitled to the number of paid hours on a holiday that their monthly schedule bears to a full time schedule.

(5) Full time alternate work schedule employees shall receive eight hours of regular holiday pay per holiday. Any differences between the scheduled shift for the day and eight hours may be adjusted by use of vacation leave, use or accumulation of compensatory time as appropriate, or leave without pay.

(6) When a holiday falls on an employee's regularly scheduled day off, he/she shall receive a day of compensatory time off.

(7) Holiday time worked shall be compensated as provided in WAC 251-09-035.

(8) Whenever a holiday falls on Sunday, the following Monday shall be considered a nonworking or legal holiday. When a holiday falls on

Saturday, the preceding Friday shall be considered a nonworking or legal holiday.

(9) Employees terminating immediately prior to a holiday do not qualify for holidays occurring after termination.

(10) Employees shall be entitled to one paid personal holiday per calendar year in addition to those specified in this section as provided in WAC 251-22-045.

WSR 86-04-080

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to amend that section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the tables, schedules and factors currently being used by the Department of Retirement Systems to calculate benefits;

that the agency will at 10:00 a.m., Tuesday, March 11, 1986, in the Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: February 5, 1986
By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 415-02-090 Actuarial tables, schedules and factors.

Statutory Authority: RCW 41.50.050(5) and 41.50.090.

Summary of Rule: This notice proposes to amend a section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the actuarial tables, schedules and factors currently used by the department in calculating retirement benefits.

Description of Purpose of the Rule: To protect the tax status of the several plans as qualified plans pursuant to section 401(a) of the Internal Revenue Code.

Reasons for Supporting the Proposed Rule: On October 12, 1982, the Internal Revenue Service determined that each of the retirement systems administered by the Department of Retirement Systems was qualified pursuant to section 401(a) of the Internal Revenue Code. In order to maintain the qualification, however, the service directed the department to amend each retirement plan to provide definitely determinable benefits. Chapter 227, Laws of 1984, provided members of the various retirement systems the right to participate in the tax deferral benefits of 26 U.S.C. 414(h). This section of the Internal

Revenue Code mandates that participating retirement systems be qualified under section 401(a) of the code. By including the actuarial tables, schedules, and factors in the WAC, the department will have complied with the Internal Revenue Service direction to provide definitely determinable benefits, and will have protected the status of the several plans as qualified under section 401(a) of the Internal Revenue Code.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of the Governmental Agency Proposing the Rule: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

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

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

AMENDATORY SECTION (Amending Order IV, filed 9/27/84)

WAC 415-02-090 ACTUARIAL TABLES, SCHEDULES, AND FACTORS. This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the Authority granted by RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065, and 43.43.200 for calculating optional retirement allowances of members of retirement systems administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from February 1, 1983 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before February 1, 1983 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

((PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I

OPTION I

MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

AGE	BENEFIT
20	.0054700
21	.0054828
22	.0054965
23	.0055110
24	.0055265
25	.0055429
26	.0055603
27	.0055789
28	.0055986
29	.0056196
30	.0056419
31	.0056656
32	.0056908
33	.0057177
34	.0057462
35	.0057766
36	.0058090
37	.0058435

AGE	BENEFIT
38	.0058802
39	.0059193
40	.0059609
41	.0060051
42	.0060521
43	.0061017
44	.0061542
45	.0062096
46	.0062680
47	.0063295
48	.0063944
49	.0064627
50	.0065347
51	.0066107
52	.0066910
53	.0067757
54	.0068653
55	.0069599
56	.0070601
57	.0071661
58	.0072785
59	.0073978
60	.0075247
61	.0076599
62	.0078043
63	.0079590
64	.0081252
65	.0083041
66	.0084972
67	.0087057
68	.0089308
69	.0091740
70	.0094365
71	.0097197
72	.0100251
73	.0103543
74	.0107090
75	.0110909
76	.0115018
77	.0119436
78	.0124183
79	.0129277
80	.0134741
81	.0140602
82	.0146893
83	.0153643
84	.0160876
85	.0168596
86	.0176777
87	.0185354
88	.0194227
89	.0203271
90	.0212300
91	.0221230
92	.0229835
93	.0238025
94	.0245729
95	.0252919
96	.0259597
97	.0265773
98	.0271452
99	.0276633

*Option 1A is above table times 1.01.
Effective date: February 1, 1983

PUBLIC EMPLOYEES RETIREMENT SYSTEM -- PLAN II
OPTION I

MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

AGE	BENEFIT
20	.0033119
21	.0033320
22	.0033529
23	.0033748

AGE	BENEFIT
24	.0033977
25	.0034215
26	.0034465
27	.0034726
28	.0035000
29	.0035286
30	.0035585
31	.0035899
32	.0036228
33	.0036573
34	.0036935
35	.0037314
36	.0037713
37	.0038132
38	.0038572
39	.0039035
40	.0039522
41	.0040034
42	.0040572
43	.0041137
44	.0041728
45	.0042349
46	.0042999
47	.0043681
48	.0044395
49	.0045144
50	.0045931
51	.0046757
52	.0047625
53	.0048538
54	.0049499
55	.0050511
56	.0051579
57	.0052705
58	.0053896
59	.0055155
60	.0056489
61	.0057906
62	.0059415
63	.0061024
64	.0062746
65	.0064592
66	.0066576
67	.0068710
68	.0071007
69	.0073481
70	.0076145
71	.0079014
72	.0082103
73	.0085430
74	.0089012
75	.0092869
76	.0097019
77	.0101483
78	.0106282
79	.0111438
80	.0116975
81	.0122921
82	.0129309
83	.0136171
84	.0143532
85	.0151396
86	.0159741
87	.0168505
88	.0177590
89	.0186870
90	.0196157
91	.0205362
92	.0214254
93	.0222735
94	.0230726
95	.0238194

AGE	BENEFIT
96	.0245135
97	.0251556
98	.0257459
99	.0262841

*Option 1A is above table times 1.01.
Effective date: February 1, 1983.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
TEACHERS RETIREMENT SYSTEM
EARLY RETIREMENT FACTORS

YEAR	PLAN I		PLAN II	
	Factor	Ratio	Factor	Ratio
	.0075		.0081	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective date: February 1, 1983.

PERS
OPTION 2

PLAN I	AGE DIFFERENCE	PLAN II
.951	-15	.948
.946	-14	.942
.941	-13	.936
.936	-12	.930
.931	-11	.923
.925	-10	.916
.919	-9	.909
.914	-8	.901
.903	-7	.889
.892	-6	.875
.881	-5	.860
.870	-4	.845
.858	-3	.829
.845	-2	.812
.833	-1	.796
.821	0	.779
.808	1	.761
.795	2	.744
.782	3	.728
.775	4	.717
.768	5	.707
.762	6	.697
.747	7	.680
.741	8	.670
.735	9	.660
.729	10	.651
.723	11	.641
.716	12	.631
.709	13	.621
.702	14	.611
.695	15	.601

Effective date: February 1, 1983

PERS OPTION 3		
PLAN I	AGE DIFFERENCE	PLAN II
.977	-15	.975
.974	-14	.972
.972	-13	.968
.968	-12	.965
.966	-11	.961
.963	-10	.958
.959	-9	.953
.957	-8	.949
.951	-7	.942
.945	-6	.934
.938	-5	.925
.932	-4	.917
.925	-3	.907
.918	-2	.897
.911	-1	.883
.903	0	.877
.896	1	.866
.888	2	.855
.880	3	.844
.876	4	.837
.871	5	.830
.866	6	.823
.860	7	.811
.855	8	.804
.850	9	.797
.845	10	.791
.840	11	.784
.835	12	.771
.830	13	.764
.825	14	.758
.820	15	.752

Effective date: February 1, 1983.

LEOP RETIREMENT SYSTEM
PLAN II
OPTION 1

AGE	BENEFIT
20	.00332
21	.00334
22	.00336
23	.00338
24	.00340
25	.00343
26	.00345
27	.00348
28	.00351
29	.00353
30	.00357
31	.00360
32	.00363
33	.00367
34	.00370
35	.00374
36	.00378
37	.00382
38	.00387
39	.00392
40	.00397
41	.00402
42	.00407
43	.00413
44	.00420
45	.00426
46	.00433
47	.00440
48	.00448

AGE	BENEFIT
49	.00456
50	.00465
51	.00474
52	.00483
53	.00493
54	.00504
55	.00515
56	.00526
57	.00539
58	.00552
59	.00566
60	.00581
61	.00597
62	.00614
63	.00632
64	.00652
65	.00673
66	.00695
67	.00719
68	.00745
69	.00772
70	.00801
71	.00832
72	.00865
73	.00900
74	.00937
75	.00976
76	.01017
77	.01061
78	.01109
79	.01161
80	.01218
81	.01278
82	.01341
83	.01408
84	.01478
85	.01550
86	.01626
87	.01706
88	.01788
89	.01875
90	.01966
91	.02062
92	.02164
93	.02272
94	.02386
95	.02508
96	.02641

Effective date: 2-1-83

LEOP
PLAN II
EARLY RETIREMENT FACTORS

YEAR	EARLY RETIREMENT FACTOR	RATIO
	.0074	
1	.9147	1.0056
2	.8367	1.0098
3	.7654	1.0126
4	.7001	1.0138
5	.6404	1.0139
6	.5858	1.0124
7	.5358	1.0102
8	.4902	1.0070
9	.4484	1.0025
10	.4101	.9971
15	.2626	.9577
20	.1682	.9033
25	.1077	.8407
30	.0690	.7735

Effective date: February 1, 1983

LEOFF
PLAN II
OPTION 2

<u>DIFFERENCE</u>	<u>RATE</u>
-15	.928
-14	.922
-13	.914
-12	.907
-11	.899
-10	.891
-9	.883
-8	.874
-7	.866
-6	.857
-5	.848
-4	.839
-3	.831
-2	.822
-1	.813
0	.804
1	.795
2	.786
3	.777
4	.768
5	.760
6	.751
7	.743
8	.735
9	.727
10	.719
11	.712
12	.705
13	.698
14	.691
15	.684

Effective date: February 1, 1983

LEOFF
PLAN II
OPTION 3

<u>DIFFERENCE</u>	<u>RATE</u>
-15	.964
-14	.960
-13	.956
-12	.952
-11	.948
-10	.943
-9	.939
-8	.934
-7	.929
-6	.924
-5	.919
-4	.914
-3	.908
-2	.903
-1	.898
0	.892
1	.887
2	.881
3	.875
4	.870
5	.864
6	.859
7	.853
8	.848
9	.843
10	.838
11	.833
12	.828

<u>DIFFERENCE</u>	<u>RATE</u>
13	.823
14	.818
15	.813

Effective date: February 1, 1983

WASHINGTON STATE TEACHERS RETIREMENT SYSTEM - PLAN 1
MONTHLY, NO-REFUND ANNUITY BENEFIT PER \$1.00 OF
ACCUMULATION*

<u>AGE</u>	<u>BENEFIT</u>
20	.0054532
21	.0054650
22	.0054777
23	.0054911
24	.0055053
25	.0055204
26	.0055365
27	.0055536
28	.0055718
29	.0055911
30	.0056116
31	.0056335
32	.0056567
33	.0056814
34	.0057077
35	.0057357
36	.0057655
37	.0057972
38	.0058310
39	.0058670
40	.0059053
41	.0059462
42	.0059896
43	.0060358
44	.0060847
45	.0061364
46	.0061911
47	.0062488
48	.0063097
49	.0063740
50	.0064418
51	.0065134
52	.0065891
53	.0066691
54	.0067537
55	.0068432
56	.0069379
57	.0070383
58	.0071447
59	.0072575
60	.0073773
61	.0075048
62	.0076407
63	.0077859
64	.0079416
65	.0081092
66	.0082901
67	.0084858
68	.0086979
69	.0089281
70	.0091780
71	.0094493
72	.0097439
73	.0100637
74	.0104110
75	.0107884
76	.0111987
77	.0116451
78	.0121309
79	.0126602
80	.0132372
81	.0138669
82	.0145556
83	.0153109

AGE	BENEFIT
84	.0161425
85	.0170612
86	.0180783
87	.0192051
88	.0204506
89	.0218213
90	.0233197
91	.0249340
92	.0266842
93	.0285364
94	.0304859
95	.0325231
96	.0346451
97	.0368604
98	.0391855
99	.0416429

*Option 1A is above table times .98:
Effective date: February 1, 1983.

AGE	BENEFIT
70	.0073286
71	.0076007
72	.0078953
73	.0082144
74	.0085603
75	.0089355
76	.0093429
77	.0097856
78	.0102671
79	.0107913
80	.0113626
81	.0119860
82	.0126678
83	.0134155
84	.0142385
85	.0151472
86	.0161528
87	.0172662
88	.0184966
89	.0198506
90	.0213311
91	.0229279
92	.0246598
93	.0264954
94	.0284307
95	.0304567
96	.0325712
97	.0347828
98	.0371078
99	.0395686

*Option 1A is above table times .98:
Effective date: February 1, 1983.

TEACHERS RETIREMENT SYSTEM
PLAN II - OPTION 1
MONTHLY BENEFIT PER \$1.00 OF ACCUMULATION*

AGE	BENEFIT
20	.0032856
21	.0033046
22	.0033243
23	.0033449
24	.0033665
25	.0033890
26	.0034125
27	.0034371
28	.0034628
29	.0034897
30	.0035179
31	.0035474
32	.0035783
33	.0036106
34	.0036446
35	.0036801
36	.0037175
37	.0037567
38	.0037979
39	.0038412
40	.0038868
41	.0039347
42	.0039851
43	.0040381
44	.0040937
45	.0041520
46	.0042132
47	.0042774
48	.0043447
49	.0044154
50	.0044896
51	.0045675
52	.0046494
53	.0047355
54	.0048263
55	.0049218
56	.0050226
57	.0051289
58	.0052412
59	.0053599
60	.0054856
61	.0056188
62	.0057603
63	.0059110
64	.0060720
65	.0062444
66	.0064297
67	.0066291
68	.0068444
69	.0070770

PUBLIC EMPLOYEES RETIREMENT SYSTEM
AND
TEACHERS RETIREMENT SYSTEM
EARLY RETIREMENT FACTORS

YEAR	PLAN I		PLAN II	
	Factor	Ratio	Factor	Ratio
	.0075		.0081	
1	.9136	1.000	.9070	1.000
2	.8347	.9983	.8227	.9987
3	.7626	.9950	.7462	.9955
4	.6967	.9903	.6768	.9908
5	.6365	.9844	.6139	.9848
6	.5816	.9773	.5568	.9774
7	.5313	.9690	.5050	.9687
8	.4854	.9597	.4581	.9518
9	.4435	.9495	.4155	.9484
10	.4052	.9386	.3768	.9368
15	.2579	.8739	.2313	.8686
20	.1642	.7998	.1420	.7898
25	.1045	.7227	.0872	.7078
30	.0665	.6469	.0535	.6257

Effective date: February 1, 1983.

TEACHERS
OPTION 2

PLAN I	AGE		PLAN II
	DIFFERENCE		
.958	-15		.957
.955	-14		.952
.951	-13		.947
.947	-12		.942
.944	-11		.937
.940	-10		.933
.935	-9		.927
.930	-8		.921

PLAN I	AGE DIFFERENCE	PLAN II
.925	-7	.914
.920	-6	.906
.913	-5	.897
.906	-4	.887
.898	-3	.876
.884	-2	.856
.864	-1	.831
.838	0	.796
.829	1	.780
.821	2	.765
.813	3	.753
.805	4	.742
.797	5	.730
.788	6	.718
.779	7	.706
.771	8	.694
.763	9	.688
.755	10	.676
.746	11	.664
.737	12	.652
.728	13	.640
.719	14	.628
.709	15	.616

Effective date: February 1, 1983.

TEACHERS OPTION 3		
PLAN I	AGE DIFFERENCE	PLAN II
.978	-15	.977
.977	-14	.975
.975	-13	.973
.972	-12	.970
.971	-11	.968
.969	-10	.965
.966	-9	.961
.964	-8	.957
.962	-7	.953
.959	-6	.949
.954	-5	.945
.951	-4	.941
.949	-3	.938
.938	-2	.923
.926	-1	.907
.911	0	.886
.906	1	.876
.901	2	.869
.897	3	.861
.892	4	.854
.887	5	.848
.881	6	.840
.875	7	.831
.870	8	.823
.865	9	.816
.860	10	.809
.853	11	.800
.847	12	.791
.841	13	.781
.835	14	.771
.829	15	.762

Effective date: February 1, 1983))

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I
EARLY RETIREMENT FACTORS

1	.9918
2	.9837
3	.9755
4	.9674
5	.9592

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I
EARLY RETIREMENT FACTORS

6	.9511
7	.9429
8	.9348
9	.9266
10	.9185
11	.9103
1 0	.9022
1	.8949
2	.8877
3	.8805
4	.8733
5	.8661
6	.8589
7	.8517
8	.8445
9	.8373
10	.8301
11	.8229
2 0	.8157
1	.8093
2	.8029
3	.7965
4	.7901
5	.7837
6	.7773
7	.7709
8	.7645
9	.7581
10	.7517
11	.7453
3 0	.7390
1	.7333
2	.7276
3	.7219
4	.7162
5	.7105
6	.7048
7	.6992
8	.6935
9	.6878
10	.6821
11	.6764
4 0	.6707
1	.6657
2	.6606
3	.6555
4	.6504
5	.6454
6	.6403
7	.6352
8	.6302
9	.6251
10	.6200
11	.6149
5 0	.6099

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I OPTION 1
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0058390
21	.0058513
22	.0058643
23	.0058783
24	.0058931
25	.0059089
26	.0059257
27	.0059437
28	.0059629
29	.0059833
30	.0060051
31	.0060283

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN I OPTION 1

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

32	.0060531
33	.0060796
34	.0061078
35	.0061380
36	.0061702
37	.0062045
38	.0062412
39	.0062804
40	.0063221
41	.0063665
42	.0064135
43	.0064633
44	.0065160
45	.0065717
46	.0066304
47	.0066925
48	.0067579
49	.0068271
50	.0069001
51	.0069773
52	.0070590
53	.0071454
54	.0072369
55	.0073337
56	.0074363
57	.0075451
58	.0076606
59	.0077836
60	.0079147
61	.0080549
62	.0082052
63	.0083669
64	.0085413
65	.0087297
66	.0089334
67	.0091538
68	.0093920
69	.0096493
70	.0099272
71	.0102271
72	.0105505
73	.0108990
74	.0112743
75	.0116781
76	.0121122
77	.0125785
78	.0130787
79	.0136149
80	.0141897
81	.0148057
82	.0154658
83	.0161717
84	.0169230
85	.0177167
86	.0185452
87	.0193974
88	.0202596
89	.0211126
90	.0219458
91	.0227413
92	.0234886
93	.0241825
94	.0248232
95	.0254146
96	.0259627
97	.0264737
98	.0269527
99	.0274037

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

0	0	1.0000
	1	.9913
	2	.9826
	3	.9740
	4	.9653
	5	.9566
	6	.9479
	7	.9393
	8	.9306
	9	.9219
	10	.9132
	11	.9046
1	0	.8959
	1	.8883
	2	.8806
	3	.8730
	4	.8654
	5	.8578
	6	.8501
	7	.8425
	8	.8349
	9	.8273
	10	.8197
	11	.8120
2	0	.8044
	1	.7977
	2	.7910
	3	.7843
	4	.7775
	5	.7708
	6	.7641
	7	.7574
	8	.7507
	9	.7439
	10	.7372
	11	.7305
3	0	.7238
	1	.7179
	2	.7119
	3	.7060
	4	.7000
	5	.6941
	6	.6882
	7	.6822
	8	.6763
	9	.6704
	10	.6644
	11	.6585
4	0	.6525
	1	.6473
	2	.6420
	3	.6367
	4	.6315
	5	.6262
	6	.6210
	7	.6157
	8	.6104
	9	.6052
	10	.5999
	11	.5946
5	0	.5894
	1	.5847
	2	.5800
	3	.5753
	4	.5707
	5	.5660
	6	.5613
	7	.5566
	8	.5519
	9	.5473
	10	.5426
	11	.5379
6	0	.5332

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	1	.5291
	2	.5249
	3	.5207
	4	.5166
	5	.5124
	6	.5082
	7	.5041
	8	.4999
	9	.4957
	10	.4916
	11	.4874
7	0	.4832
	1	.4795
	2	.4758
	3	.4721
	4	.4683
	5	.4646
	6	.4609
	7	.4572
	8	.4535
	9	.4497
	10	.4460
	11	.4423
8	0	.4386
	1	.4352
	2	.4319
	3	.4286
	4	.4253
	5	.4219
	6	.4186
	7	.4153
	8	.4119
	9	.4086
	10	.4053
	11	.4019
9	0	.3986
	1	.3956
	2	.3926
	3	.3897
	4	.3867
	5	.3837
	6	.3807
	7	.3777
	8	.3747
	9	.3717
	10	.3688
	11	.3658
10	0	.3628
	1	.3601
	2	.3574
	3	.3547
	4	.3521
	5	.3494
	6	.3467
	7	.3440
	8	.3413
	9	.3386
	10	.3360
	11	.3333
11	0	.3306
	1	.3282
	2	.3258
	3	.3234
	4	.3209
	5	.3185
	6	.3161
	7	.3137
	8	.3113
	9	.3089
	10	.3065
	11	.3040
12	0	.3016
	1	.2994

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	2	.2973
	3	.2951
	4	.2929
	5	.2907
	6	.2886
	7	.2864
	8	.2842
	9	.2820
	10	.2799
	11	.2777
13	0	.2755
	1	.2735
	2	.2716
	3	.2696
	4	.2676
	5	.2657
	6	.2637
	7	.2617
	8	.2598
	9	.2578
	10	.2559
	11	.2539
14	0	.2519
	1	.2501
	2	.2484
	3	.2466
	4	.2448
	5	.2430
	6	.2413
	7	.2395
	8	.2377
	9	.2359
	10	.2341
	11	.2324
15	0	.2306
	1	.2290
	2	.2274
	3	.2258
	4	.2242
	5	.2225
	6	.2209
	7	.2193
	8	.2177
	9	.2161
	10	.2145
	11	.2129
16	0	.2113
	1	.2098
	2	.2084
	3	.2069
	4	.2054
	5	.2040
	6	.2025
	7	.2011
	8	.1996
	9	.1981
	10	.1967
	11	.1952
17	0	.1938
	1	.1924
	2	.1911
	3	.1898
	4	.1885
	5	.1871
	6	.1858
	7	.1845
	8	.1831
	9	.1818
	10	.1805
	11	.1792
18	0	.1778
	1	.1766
	2	.1754

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

3	.1742
4	.1730
5	.1718
6	.1706
7	.1694
8	.1682
9	.1670
10	.1658
11	.1646
19 0	.1634
1	.1623
2	.1612
3	.1601
4	.1590
5	.1579
6	.1568
7	.1557
8	.1546
9	.1535
10	.1524
11	.1513
20 0	.1502
1	.1492
2	.1482
3	.1472
4	.1462
5	.1452
6	.1442
7	.1432
8	.1422
9	.1412
10	.1402
11	.1392
21 0	.1382
1	.1373
2	.1364
3	.1355
4	.1345
5	.1336
6	.1327
7	.1318
8	.1309
9	.1300
10	.1291
11	.1281
22 0	.1272
1	.1264
2	.1256
3	.1247
4	.1239
5	.1231
6	.1222
7	.1214
8	.1206
9	.1197
10	.1189
11	.1181
23 0	.1172
1	.1165
2	.1157
3	.1149
4	.1142
5	.1134
6	.1127
7	.1119
8	.1111
9	.1104
10	.1096
11	.1088
24 0	.1081
1	.1074
2	.1067
3	.1060

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

4	.1053
5	.1046
6	.1039
7	.1032
8	.1025
9	.1018
10	.1011
11	.1004
25 0	.0997
1	.0991
2	.0984
3	.0978
4	.0971
5	.0965
6	.0959
7	.0952
8	.0946
9	.0939
10	.0933
11	.0927
26 0	.0920
1	.0914
2	.0909
3	.0903
4	.0897
5	.0891
6	.0885
7	.0879
8	.0873
9	.0868
10	.0862
11	.0856
27 0	.0850
1	.0845
2	.0839
3	.0834
4	.0828
5	.0823
6	.0818
7	.0812
8	.0807
9	.0802
10	.0796
11	.0791
28 0	.0785
1	.0780
2	.0775
3	.0771
4	.0766
5	.0761
6	.0756
7	.0751
8	.0746
9	.0741
10	.0736
11	.0731
29 0	.0726
1	.0722
2	.0717
3	.0712
4	.0708
5	.0703
6	.0699
7	.0694
8	.0690
9	.0685
10	.0681
11	.0676
30 0	.0672
1	.0667
2	.0663
3	.0659
4	.0655

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	5	.0651
	6	.0647
	7	.0642
	8	.0638
	9	.0634
	10	.0630
	11	.0626
31	0	.0621
	1	.0618
	2	.0614
	3	.0610
	4	.0606
	5	.0602
	6	.0598
	7	.0595
	8	.0591
	9	.0587
	10	.0583
	11	.0579
32	0	.0575
	1	.0572
	2	.0568
	3	.0565
	4	.0561
	5	.0558
	6	.0554
	7	.0551
	8	.0547
	9	.0543
	10	.0540
	11	.0536
33	0	.0533
	1	.0530
	2	.0526
	3	.0523
	4	.0520
	5	.0516
	6	.0513
	7	.0510
	8	.0507
	9	.0503
	10	.0500
	11	.0497
34	0	.0494
	1	.0491
	2	.0488
	3	.0485
	4	.0482
	5	.0479
	6	.0476
	7	.0473
	8	.0470
	9	.0467
	10	.0464
	11	.0461
35	0	.0458
	1	.0419
	2	.0381
	3	.0343
	4	.0305
	5	.0267
	6	.0229
	7	.0191
	8	.0153
	9	.0114
	10	.0076
	11	.0038
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II

EARLY RETIREMENT FACTORS

	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
39	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000

PUBLIC EMPLOYEES RETIREMENT SYSTEM

PLAN II OPTION I

MONTHLY BENEFIT per \$1.00 of ACCUMULATION

	20	.0036396
	21	.0036589
	22	.0036791
	23	.0037003
	24	.0037225
	25	.0037458
	26	.0037702
	27	.0037957
	28	.0038226
	29	.0038507
	30	.0038803
	31	.0039113
	32	.0039440
	33	.0039783
	34	.0040144
	35	.0040523
	36	.0040923
	37	.0041344
	38	.0041787
	39	.0042254
	40	.0042746
	41	.0043264
	42	.0043808
	43	.0044380
	44	.0044980

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II OPTION 1
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

45	.0045609
46	.0046270
47	.0046963
48	.0047691
49	.0048456
50	.0049260
51	.0050105
52	.0050996
53	.0051933
54	.0052922
55	.0053964
56	.0055065
57	.0056229
58	.0057460
59	.0058766
60	.0060153
61	.0061630
62	.0063207
63	.0064896
64	.0066708
65	.0068657
66	.0070755
67	.0073014
68	.0075449
69	.0078071
70	.0080897
71	.0083939
72	.0087216
73	.0090743
74	.0094540
75	.0098624
76	.0103014
77	.0107731
78	.0112795
79	.0118228
80	.0124056
81	.0130308
82	.0137012
83	.0144186
84	.0151831
85	.0159917
86	.0168371
87	.0177086
88	.0185923
89	.0194688
90	.0203271
91	.0211489
92	.0219227
93	.0226428
94	.0233088
95	.0239245
96	.0244955
97	.0250278
98	.0255267
99	.0259962

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
	<u>BENEFICIARY OLDER</u>	
0.970	-20	0.987
0.968	-19	0.985
0.965	-18	0.984
0.962	-17	0.982
0.958	-16	0.980
0.954	-15	0.978

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
	<u>BENEFICIARY OLDER</u>	
0.950	-14	0.976
0.945	-13	0.974
0.941	-12	0.971
0.936	-11	0.969
0.931	-10	0.966
0.926	-09	0.963
0.921	-08	0.960
0.915	-07	0.957
0.910	-06	0.954
0.900	-05	0.948
0.890	-04	0.943
0.880	-03	0.937
0.864	-02	0.929
0.848	-01	0.920

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
	<u>BENEFICIARY YOUNGER</u>	
0.838	0	0.914
0.827	1	0.907
0.817	2	0.901
0.809	3	0.897
0.803	4	0.893
0.790	5	0.885
0.784	6	0.881
0.778	7	0.878
0.765	8	0.869
0.759	9	0.865
0.753	10	0.862
0.748	11	0.858
0.743	12	0.855
0.729	13	0.846
0.724	14	0.842
0.719	15	0.839
0.714	16	0.836
0.700	17	0.826
0.695	18	0.823
0.691	19	0.820
0.687	20	0.817
0.683	21	0.814
0.679	22	0.811
0.675	23	0.808
0.671	24	0.805
0.667	25	0.802
0.663	26	0.799
0.659	27	0.796
0.655	28	0.793
0.651	29	0.790
0.647	30	0.787
0.643	31	0.784
0.639	32	0.781
0.635	33	0.778
0.631	34	0.775
0.627	35	0.772
0.623	36	0.769
0.619	37	0.766
0.615	38	0.763
0.611	39	0.760
0.607	40	0.757

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.966	-20	0.988
0.962	-19	0.986
0.958	-18	0.984
0.954	-17	0.982
0.950	-16	0.980
0.945	-15	0.978
0.938	-14	0.975
0.932	-13	0.972
0.925	-12	0.968
0.918	-11	0.965
0.910	-10	0.961
0.902	-09	0.957
0.894	-08	0.953
0.885	-07	0.949
0.877	-06	0.944
0.864	-05	0.937
0.851	-04	0.928
0.838	-03	0.920
0.820	-02	0.908
0.802	-01	0.895

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.787	0	0.884
0.773	1	0.876
0.759	2	0.866
0.747	3	0.857
0.737	4	0.851
0.727	5	0.844
0.717	6	0.837
0.708	7	0.831
0.699	8	0.825
0.690	9	0.818
0.681	10	0.812
0.673	11	0.806
0.665	12	0.800
0.657	13	0.795
0.649	14	0.789
0.642	15	0.784
0.635	16	0.778
0.628	17	0.773
0.622	18	0.768
0.615	19	0.763
0.609	20	0.759
0.604	21	0.754
0.598	22	0.749
0.593	23	0.744
0.588	24	0.739
0.583	25	0.734
0.578	26	0.729
0.574	27	0.724
0.569	28	0.719
0.565	29	0.714
0.561	30	0.709
0.558	31	0.704
0.554	32	0.699
0.551	33	0.694
0.547	34	0.689
0.544	35	0.684
0.541	36	0.679
0.538	37	0.674

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.535	38	0.669
0.533	39	0.664
0.530	40	0.659

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS' RETIREMENT SYSTEM
PLAN I OPTION I
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0058107
21	.0058209
22	.0058318
23	.0058435
24	.0058560
25	.0058693
26	.0058835
27	.0058986
28	.0059147
29	.0059319
30	.0059502
31	.0059698
32	.0059906
33	.0060129
34	.0060366
35	.0060619
36	.0060889
37	.0061177
38	.0061485
39	.0061814
40	.0062165
41	.0062540
42	.0062941
43	.0063370
44	.0063827
45	.0064314
46	.0064830
47	.0065377
48	.0065955
49	.0066566
50	.0067212
51	.0067893
52	.0068612
53	.0069370
54	.0070171
55	.0071017
56	.0071210
57	.0072853
58	.0073851
59	.0074908
60	.0076028
61	.0077218
62	.0078485
63	.0079837
64	.0081285
65	.0082841
66	.0084520
67	.0086335
68	.0088302
69	.0090435
70	.0092748
71	.0095257
72	.0097977
73	.0100927
74	.0104126
75	.0107597
76	.0111364
77	.0115456
78	.0119904

TEACHERS' RETIREMENT SYSTEM
PLAN I OPTION 1
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

79	.0124742
80	.0130007
81	.0135738
82	.0141980
83	.0148781
84	.0156205
85	.0164335
86	.0173278
87	.0183144
88	.0194044
89	.0206072
90	.0219300
91	.0233771
92	.0249513
93	.0266410
94	.0284835
95	.0304470
96	.0325413
97	.0347687
98	.0371380
99	.0396689

TEACHERS RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.976	-20	0.988
0.973	-19	0.986
0.971	-18	0.985
0.968	-17	0.984
0.966	-16	0.982
0.962	-15	0.981
0.960	-14	0.980
0.956	-13	0.977
0.953	-12	0.976
0.949	-11	0.974
0.946	-10	0.972
0.942	-09	0.970
0.939	-08	0.968
0.935	-07	0.966
0.931	-06	0.964
0.924	-05	0.960
0.917	-04	0.956
0.909	-03	0.952
0.901	-02	0.948
0.883	-01	0.938

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.872	0	0.932
0.864	1	0.927
0.851	2	0.919
0.843	3	0.914
0.838	4	0.912
0.833	5	0.909
0.823	6	0.902
0.818	7	0.900

TEACHERS RETIREMENT SYSTEM
PLAN I

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.807	8	0.893
0.802	9	0.890
0.798	10	0.888
0.794	11	0.885
0.789	12	0.883
0.786	13	0.880
0.778	14	0.875
0.774	15	0.873
0.771	16	0.871
0.768	17	0.871
0.764	18	0.869
0.761	19	0.865
0.759	20	0.863
0.756	21	0.861
0.753	22	0.859
0.750	23	0.857
0.747	24	0.855
0.744	25	0.853
0.741	26	0.851
0.738	27	0.849
0.735	28	0.847
0.732	29	0.845
0.729	30	0.843
0.727	31	0.841
0.725	32	0.839
0.723	33	0.837
0.721	34	0.836
0.719	35	0.835
0.717	36	0.834
0.715	37	0.833
0.713	38	0.832
0.711	39	0.831
0.709	40	0.830

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM
PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY OLDER</u>		
0.910	-20	0.955
0.910	-19	0.955
0.910	-18	0.955
0.910	-17	0.955
0.902	-16	0.950
0.895	-15	0.946
0.886	-14	0.942
0.878	-13	0.937
0.870	-12	0.932
0.861	-11	0.927
0.853	-10	0.922
0.844	-09	0.917
0.836	-08	0.912
0.826	-07	0.907
0.818	-06	0.901
0.806	-05	0.894
0.793	-04	0.886
0.780	-03	0.878
0.764	-02	0.867
0.740	-01	0.852

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM
PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
<u>BENEFICIARY YOUNGER</u>		
0.719	0	0.838
0.706	1	0.830
0.694	2	0.821
0.681	3	0.813
0.673	4	0.807
0.665	5	0.801
0.657	6	0.796
0.650	7	0.790
0.643	8	0.785
0.636	9	0.779
0.629	10	0.774
0.622	11	0.769
0.616	12	0.764
0.610	13	0.760
0.600	14	0.752
0.595	15	0.748
0.590	16	0.744
0.585	17	0.740
0.580	18	0.736
0.575	19	0.732
0.570	20	0.728
0.566	21	0.725
0.562	22	0.721
0.558	23	0.718
0.554	24	0.715
0.550	25	0.712
0.547	26	0.709
0.544	27	0.706
0.540	28	0.703
0.537	29	0.701
0.534	30	0.698
0.532	31	0.696
0.529	32	0.693
0.526	33	0.691
0.524	34	0.689
0.521	35	0.687
0.519	36	0.685
0.517	37	0.683
0.515	38	0.681
0.513	39	0.679
0.511	40	0.678

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM
PLAN II OPTION I
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0035919
21	.0036089
22	.0036266
23	.0036452
24	.0036647
25	.0036851
26	.0037065
27	.0037288
28	.0037523
29	.0037768
30	.0038026
31	.0038297
32	.0038580
33	.0038878
34	.0039190
35	.0039519
36	.0039863
37	.0040226
38	.0040608
39	.0041009
40	.0041432

TEACHERS RETIREMENT SYSTEM
PLAN II OPTION I
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

41	.0041877
42	.0042346
43	.0042840
44	.0043360
45	.0043907
46	.0044482
47	.0045085
48	.0045717
49	.0046381
50	.0047077
51	.0047808
52	.0048574
53	.0049379
54	.0050223
55	.0051111
56	.0052044
57	.0053025
58	.0054058
59	.0055147
60	.0056296
61	.0057510
62	.0058796
63	.0060161
64	.0061615
65	.0063167
66	.0064828
67	.0066609
68	.0068522
69	.0070578
70	.0072786
71	.0075157
72	.0077703
73	.0080433
74	.0083361
75	.0086497
76	.0089856
77	.0093448
78	.0097286
79	.0101380
80	.0105739
81	.0110369
82	.0115273
83	.0120455
84	.0125917
85	.0131654
86	.0137656
87	.0143890
88	.0150299
89	.0156797
90	.0163280
91	.0169635
92	.0175741
93	.0181484
94	.0186825
95	.0191686
96	.0196071
97	.0200007
98	.0203537
99	.0206708

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

0	0	1.0000
	1	.9918
	2	.9836
	3	.9755
	4	.9673
	5	.9591
	6	.9509

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.9428
8	.9346
9	.9264
10	.9182
11	.9100
1 0	.9019
1	.8946
2	.8874
3	.8801
4	.8728
5	.8656
6	.8583
7	.8511
8	.8438
9	.8366
10	.8293
11	.8221
2 0	.8148
1	.8084
2	.8019
3	.7955
4	.7890
5	.7826
6	.7761
7	.7697
8	.7632
9	.7568
10	.7503
11	.7439
3 0	.7374
1	.7317
2	.7259
3	.7202
4	.7144
5	.7087
6	.7029
7	.6971
8	.6914
9	.6856
10	.6799
11	.6741
4 0	.6684
1	.6633
2	.6581
3	.6530
4	.6479
5	.6427
6	.6376
7	.6324
8	.6273
9	.6222
10	.6170
11	.6119
5 0	.6068
1	.6022
2	.5976
3	.5930
4	.5884
5	.5838
6	.5792
7	.5746
8	.5700
9	.5654
10	.5608
11	.5562
6 0	.5516
1	.5474
2	.5433
3	.5392
4	.5351
5	.5309
6	.5268

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.5227
8	.5186
9	.5144
10	.5103
11	.5062
7 0	.5021
1	.4984
2	.4947
3	.4909
4	.4872
5	.4835
6	.4798
7	.4761
8	.4724
9	.4687
10	.4650
11	.4613
8 0	.4576
1	.4542
2	.4509
3	.4476
4	.4442
5	.4409
6	.4376
7	.4342
8	.4309
9	.4275
10	.4242
11	.4209
9 0	.4175
1	.4145
2	.4115
3	.4085
4	.4055
5	.4025
6	.3995
7	.3965
8	.3934
9	.3904
10	.3874
11	.3844
10 0	.3814
1	.3787
2	.3760
3	.3733
4	.3705
5	.3678
6	.3651
7	.3624
8	.3597
9	.3569
10	.3542
11	.3515
11 0	.3488
1	.3463
2	.3439
3	.3414
4	.3390
5	.3365
6	.3340
7	.3316
8	.3291
9	.3267
10	.3242
11	.3217
12 0	.3193
1	.3170
2	.3148
3	.3126
4	.3104
5	.3081
6	.3059

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.3037
8	.3015
9	.2992
10	.2970
11	.2948
13 0	.2925
1	.2905
2	.2885
3	.2865
4	.2845
5	.2824
6	.2804
7	.2784
8	.2764
9	.2744
10	.2723
11	.2703
14 0	.2683
1	.2665
2	.2646
3	.2628
4	.2610
5	.2591
6	.2573
7	.2554
8	.2536
9	.2518
10	.2499
11	.2481
15 0	.2463
1	.2446
2	.2429
3	.2413
4	.2396
5	.2379
6	.2363
7	.2346
8	.2329
9	.2312
10	.2296
11	.2279
16 0	.2262
1	.2247
2	.2232
3	.2217
4	.2202
5	.2186
6	.2171
7	.2156
8	.2141
9	.2126
10	.2110
11	.2095
17 0	.2080
1	.2066
2	.2052
3	.2038
4	.2025
5	.2011
6	.1997
7	.1983
8	.1969
9	.1955
10	.1941
11	.1928
18 0	.1914
1	.1901
2	.1888
3	.1876
4	.1863
5	.1851
6	.1838

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.1825
8	.1813
9	.1800
10	.1787
11	.1775
19 0	.1762
1	.1750
2	.1739
3	.1727
4	.1716
5	.1704
6	.1693
7	.1681
8	.1670
9	.1658
10	.1647
11	.1635
20 0	.1623
1	.1613
2	.1602
3	.1592
4	.1581
5	.1571
6	.1560
7	.1550
8	.1539
9	.1528
10	.1518
11	.1507
21 0	.1497
1	.1487
2	.1477
3	.1468
4	.1458
5	.1448
6	.1439
7	.1429
8	.1419
9	.1410
10	.1400
11	.1390
22 0	.1381
1	.1372
2	.1363
3	.1354
4	.1345
5	.1336
6	.1328
7	.1319
8	.1310
9	.1301
10	.1292
11	.1283
23 0	.1274
1	.1266
2	.1258
3	.1250
4	.1242
5	.1234
6	.1226
7	.1218
8	.1209
9	.1201
10	.1193
11	.1185
24 0	.1177
1	.1170
2	.1162
3	.1155
4	.1147
5	.1140
6	.1132

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	7	.1125
	8	.1117
	9	.1110
	10	.1102
	11	.1095
25	0	.1088
	1	.1081
	2	.1074
	3	.1067
	4	.1060
	5	.1053
	6	.1046
	7	.1040
	8	.1033
	9	.1026
	10	.1019
	11	.1012
26	0	.1005
	1	.0999
	2	.0993
	3	.0987
	4	.0980
	5	.0974
	6	.0968
	7	.0961
	8	.0955
	9	.0949
	10	.0943
	11	.0936
27	0	.0930
	1	.0924
	2	.0918
	3	.0913
	4	.0907
	5	.0901
	6	.0895
	7	.0889
	8	.0884
	9	.0878
	10	.0872
	11	.0866
28	0	.0860
	1	.0855
	2	.0850
	3	.0845
	4	.0839
	5	.0834
	6	.0829
	7	.0823
	8	.0818
	9	.0813
	10	.0807
	11	.0802
29	0	.0797
	1	.0792
	2	.0787
	3	.0782
	4	.0777
	5	.0772
	6	.0767
	7	.0762
	8	.0757
	9	.0752
	10	.0748
	11	.0743
30	0	.0738
	1	.0733
	2	.0729
	3	.0724
	4	.0720
	5	.0715
	6	.0711

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	7	.0706
	8	.0702
	9	.0697
	10	.0692
	11	.0688
31	0	.0683
	1	.0679
	2	.0675
	3	.0671
	4	.0667
	5	.0663
	6	.0658
	7	.0654
	8	.0650
	9	.0646
	10	.0642
	11	.0638
32	0	.0633
	1	.0630
	2	.0626
	3	.0622
	4	.0618
	5	.0614
	6	.0610
	7	.0606
	8	.0603
	9	.0599
	10	.0595
	11	.0591
33	0	.0587
	1	.0584
	2	.0580
	3	.0577
	4	.0573
	5	.0570
	6	.0566
	7	.0562
	8	.0559
	9	.0555
	10	.0552
	11	.0548
34	0	.0545
	1	.0541
	2	.0538
	3	.0535
	4	.0532
	5	.0528
	6	.0525
	7	.0522
	8	.0518
	9	.0515
	10	.0512
	11	.0509
35	0	.0505
	1	.0463
	2	.0421
	3	.0379
	4	.0337
	5	.0295
	6	.0253
	7	.0211
	8	.0168
	9	.0126
	10	.0084
	11	.0042
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
39	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

0	0	1.0000
	1	.9920
	2	.9841
	3	.9761
	4	.9682
	5	.9602
	6	.9523
	7	.9443
	8	.9364
	9	.9284
	10	.9204
	11	.9125
1	0	.9045
	1	.8974
	2	.8903
	3	.8833
	4	.8762
	5	.8691
	6	.8620
	7	.8549
	8	.8478
	9	.8407

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	10	.8336
	11	.8265
2	0	.8194
	1	.8131
	2	.8067
	3	.8004
	4	.7941
	5	.7877
	6	.7814
	7	.7751
	8	.7687
	9	.7624
	10	.7561
	11	.7497
3	0	.7434
	1	.7377
	2	.7320
	3	.7264
	4	.7207
	5	.7150
	6	.7094
	7	.7037
	8	.6980
	9	.6923
	10	.6867
	11	.6810
4	0	.6753
	1	.6702
	2	.6652
	3	.6601
	4	.6550
	5	.6499
	6	.6448
	7	.6397
	8	.6346
	9	.6296
	10	.6245
	11	.6194
5	0	.6143
	1	.6097
	2	.6052
	3	.6006
	4	.5960
	5	.5914
	6	.5869
	7	.5823
	8	.5777
	9	.5732
	10	.5686
	11	.5640
6	0	.5595
	1	.5554
	2	.5512
	3	.5471
	4	.5430
	5	.5389
	6	.5348
	7	.5307
	8	.5266
	9	.5225
	10	.5184
	11	.5142
7	0	.5101
	1	.5064
	2	.5027
	3	.4990
	4	.4953
	5	.4916
	6	.4879
	7	.4842

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II

EARLY RETIREMENT FACTORS
by Year and Month

8	.4805
9	.4768
10	.4731
11	.4694
8 0	.4657
1	.4623
2	.4590
3	.4556
4	.4523
5	.4489
6	.4456
7	.4423
8	.4389
9	.4356
10	.4322
11	.4289
9 0	.4255
1	.4225
2	.4195
3	.4165
4	.4134
5	.4104
6	.4074
7	.4044
8	.4013
9	.3983
10	.3953
11	.3923
10 0	.3892
1	.3865
2	.3838
3	.3810
4	.3783
5	.3756
6	.3728
7	.3701
8	.3674
9	.3646
10	.3619
11	.3591
11 0	.3564
1	.3539
2	.3514
3	.3490
4	.3465
5	.3440
6	.3415
7	.3390
8	.3366
9	.3341
10	.3316
11	.3291
12 0	.3266
1	.3244
2	.3221
3	.3199
4	.3176
5	.3154
6	.3131
7	.3109
8	.3086
9	.3064
10	.3041
11	.3019
13 0	.2996
1	.2976
2	.2955
3	.2935
4	.2914
5	.2894

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II

EARLY RETIREMENT FACTORS
by Year and Month

6	.2873
7	.2853
8	.2833
9	.2812
10	.2792
11	.2771
14 0	.2751
1	.2732
2	.2714
3	.2695
4	.2676
5	.2658
6	.2639
7	.2620
8	.2602
9	.2583
10	.2565
11	.2546
15 0	.2527
1	.2510
2	.2494
3	.2477
4	.2460
5	.2443
6	.2426
7	.2409
8	.2392
9	.2375
10	.2358
11	.2341
16 0	.2324
1	.2309
2	.2293
3	.2278
4	.2262
5	.2247
6	.2231
7	.2216
8	.2200
9	.2185
10	.2169
11	.2154
17 0	.2138
1	.2124
2	.2110
3	.2096
4	.2082
5	.2068
6	.2054
7	.2040
8	.2026
9	.2012
10	.1997
11	.1983
18 0	.1969
1	.1956
2	.1943
3	.1930
4	.1918
5	.1905
6	.1892
7	.1879
8	.1866
9	.1853
10	.1840
11	.1827
19 0	.1814
1	.1803
2	.1791
3	.1779

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

4	.1767
5	.1755
6	.1744
7	.1732
8	.1720
9	.1708
10	.1697
11	.1685
20 0	.1673
1	.1662
2	.1651
3	.1641
4	.1630
5	.1619
6	.1608
7	.1597
8	.1587
9	.1576
10	.1565
11	.1554
21 0	.1543
1	.1533
2	.1524
3	.1514
4	.1504
5	.1494
6	.1484
7	.1474
8	.1464
9	.1454
10	.1444
11	.1435
22 0	.1425
1	.1416
2	.1407
3	.1397
4	.1388
5	.1379
6	.1370
7	.1361
8	.1352
9	.1343
10	.1334
11	.1325
23 0	.1316
1	.1307
2	.1299
3	.1291
4	.1282
5	.1274
6	.1266
7	.1257
8	.1249
9	.1241
10	.1233
11	.1224
24 0	.1216
1	.1208
2	.1201
3	.1193
4	.1185
5	.1178
6	.1170
7	.1162
8	.1155
9	.1147
10	.1139
11	.1132
25 0	.1124
1	.1117

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

2	.1110
3	.1103
4	.1096
5	.1089
6	.1082
7	.1075
8	.1068
9	.1061
10	.1054
11	.1047
26 0	.1040
1	.1033
2	.1027
3	.1020
4	.1014
5	.1007
6	.1001
7	.0994
8	.0988
9	.0981
10	.0975
11	.0969
27 0	.0962
1	.0956
2	.0950
3	.0944
4	.0938
5	.0932
6	.0926
7	.0920
8	.0914
9	.0908
10	.0903
11	.0897
28 0	.0891
1	.0885
2	.0880
3	.0874
4	.0869
5	.0863
6	.0858
7	.0852
8	.0847
9	.0841
10	.0836
11	.0830
29 0	.0825
1	.0820
2	.0815
3	.0810
4	.0805
5	.0800
6	.0795
7	.0789
8	.0784
9	.0779
10	.0774
11	.0769
30 0	.0764
1	.0760
2	.0755
3	.0750
4	.0746
5	.0741
6	.0736
7	.0732
8	.0727
9	.0722
10	.0718
11	.0713

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

31	0	.0708
	1	.0704
	2	.0700
	3	.0695
	4	.0691
	5	.0687
	6	.0682
	7	.0678
	8	.0674
	9	.0670
	10	.0665
	11	.0661
32	0	.0657
	1	.0653
	2	.0649
	3	.0645
	4	.0641
	5	.0637
	6	.0633
	7	.0629
	8	.0625
	9	.0621
	10	.0617
	11	.0613
33	0	.0609
	1	.0605
	2	.0602
	3	.0598
	4	.0594
	5	.0591
	6	.0587
	7	.0583
	8	.0580
	9	.0576
	10	.0572
	11	.0569
34	0	.0565
	1	.0562
	2	.0558
	3	.0555
	4	.0551
	5	.0548
	6	.0545
	7	.0541
	8	.0538
	9	.0534
	10	.0531
	11	.0528
35	0	.0524
	1	.0481
	2	.0437
	3	.0393
	4	.0350
	5	.0306
	6	.0262
	7	.0218
	8	.0175
	9	.0131
	10	.0087
	11	.0044
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
39	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II OPTION I

	20	.0036854
	21	.0037066
	22	.0037288
	23	.0037521
	24	.0037765
	25	.0038020
	26	.0038289
	27	.0038571
	28	.0038866
	29	.0039177
	30	.0039503
	31	.0039846
	32	.0040207
	33	.0040586
	34	.0040985
	35	.0041406
	36	.0041848
	37	.0042315
	38	.0042806
	39	.0043325
	40	.0043871
	41	.0044447
	42	.0045052
	43	.0045687
	44	.0046352
	45	.0047048

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS

RETIREMENT SYSTEM
PLAN II OPTION I

46	.0047775
47	.0048536
48	.0049331
49	.0050162
50	.0051031
51	.0051940
52	.0052893
53	.0053892
54	.0054942
55	.0056047
56	.0057211
57	.0058441
58	.0059741
59	.0061120
60	.0062584
61	.0064141
62	.0065800
63	.0067571
64	.0069461
65	.0071481
66	.0073639
67	.0075944
68	.0078407
69	.0081037
70	.0083844
71	.0086841
72	.0090038
73	.0093446
74	.0097076
75	.0100938
76	.0105040
77	.0109388
78	.0113988
79	.0118848
80	.0123977
81	.0129386
82	.0135092
83	.0141104
84	.0147416
85	.0153996
86	.0160774
87	.0167652
88	.0174514
89	.0181218
90	.0187587
91	.0193543
92	.0198948
93	.0203734
94	.0207882
95	.0211409
96	.0214355
97	.0216775
98	.0218727
99	.0220272

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
	<u>BENEFICIARY OLDER</u>	
0.933	-20	0.967
0.927	-19	0.963
0.920	-18	0.960
0.914	-17	0.956
0.907	-16	0.952
0.900	-15	0.949

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
	<u>BENEFICIARY OLDER</u>	
0.892	-14	0.944
0.885	-13	0.940
0.877	-12	0.936
0.869	-11	0.931
0.861	-10	0.927
0.853	-09	0.922
0.845	-08	0.917
0.837	-07	0.913
0.829	-06	0.908
0.821	-05	0.903
0.813	-04	0.898
0.805	-03	0.893
0.797	-02	0.888
0.789	-01	0.883

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM

PLAN II

<u>OPTION 2</u>	<u>AGE DIFFERENCE</u>	<u>OPTION 3</u>
	<u>BENEFICIARY YOUNGER</u>	
0.781	0	0.878
0.773	1	0.873
0.766	2	0.868
0.758	3	0.863
0.750	4	0.859
0.743	5	0.854
0.736	6	0.849
0.729	7	0.844
0.722	8	0.839
0.715	9	0.835
0.708	10	0.830
0.701	11	0.825
0.695	12	0.821
0.688	13	0.816
0.682	14	0.812
0.676	15	0.808
0.670	16	0.803
0.664	17	0.799
0.658	18	0.795
0.653	19	0.791
0.648	20	0.787
0.643	21	0.783
0.638	22	0.780
0.633	23	0.776
0.628	24	0.773
0.624	25	0.769
0.620	26	0.766
0.616	27	0.763
0.612	28	0.760
0.608	29	0.757
0.604	30	0.754
0.601	31	0.751
0.597	32	0.749
0.594	33	0.746
0.591	34	0.744
0.588	35	0.741
0.585	36	0.739
0.582	37	0.737
0.579	38	0.735

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

WSR 86-04-081

PROPOSED RULES

DEPARTMENT OF NATURAL RESOURCES

[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Commissioner of Public Lands intends to adopt, amend, or repeal rules concerning oil and gas leasing on public lands as defined in RCW 79.01.004.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 13, 1986.

The authority under which these rules are proposed is RCW 79.14.120.

The specific statute these rules are intended to implement is chapter 79.14 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 30, 1986

By: Brian J. Boyle

Commissioner of Public Lands

STATEMENT OF PURPOSE

Title of Amending Rules: WAC 332-12-210 Definitions; 332-12-260 Term of lease; 332-12-262 Preliminary investigation permit; 332-12-310 Annual rental or minimum royalty; 332-12-360 Plan of operations; and 332-12-390 Due diligence.

Purpose of the Proposed Amendments: To clarify leasing and development procedures for oil and gas and add a new section pertinent to preliminary investigation.

Summary of Rules: Establishes amended procedures for leasing and development of the oil and gas resources on public lands as defined in RCW 79.01.004.

Proponent of Rules: Department of Natural Resources.

Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth E. Solt, Manager, Division of Land Leasing and Recreation, Department of Natural Resources, John A. Cherberg Building, Olympia, Washington 98504, (206) 753-2989.

Proponent of Rules: Department of Natural Resources.

Agency Comments: These amendments are necessary to continue the implementation of chapter 79.14 RCW, to accomplish the fiduciary responsibilities of the Department of Natural Resources in management of state public lands through an oil and gas leasing program.

Small Business Economic Impact Statement: The Department of Natural Resources proposes to adopt amendments to chapter 332-12 WAC, oil and gas leasing program guidelines. It is determined that 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 significantly alter the methods by which state public lands are leased, nor the methods of establishing lease rentals.

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-210 DEFINITIONS. The following definitions are, unless the context otherwise requires, applicable to chapter 79.14 RCW and these rules and regulations.

(1) "Aquatic lands" means ~~((accreted;))~~ all state-owned tidelands, ~~((and submerged lands of the Pacific Ocean and any arm thereof and bed and))~~ shorelands, harbor areas, and the beds of navigable waters.

(2) "Associated substances" means all gaseous or liquid substances produced in association with oil or gas but shall not include coal, lignite, oilshale, similar solid hydrocarbons, minerals, water, steam or any geothermal resources.

~~((2))~~ "Base or primary term" means the first period of time authorized under a lease or the exploration period of the lease.)

(3) "Base lease" means the first issued lease on a tract of land prior to any assignments of the lease or renewals.

(4) "Commissioner" means the commissioner of public lands.

(5) "Completion" means date of rig release.

~~((5))~~ (6) "Continuous" as in "production in continuous paying quantities" means extracting oil and gas from the earth without cessation for a period of more than ninety days.

~~((6))~~ (7) "Department" means the department of natural resources.

~~((7))~~ (8) "Development" means work which generally occurs after exploration and furthers bringing in production including defining the extent of the oil and gas resource and construction of support facilities.

(9) "Drilling" means the drilling of a well and the activities associated therewith of permitting, staking, site preparation, testing, deepening, redrilling or repairing of the well.

~~((8))~~ (10) "Drill pads" means the location and surrounding area necessary to position a drill rig and support equipment.

~~((9))~~ (11) "Exploration" means the investigation of oil and gas resources by any geological, geophysical, geochemical or other suitable means.

~~((10))~~ (12) "Good standing" means in full compliance with all terms and conditions of the lease contract.

~~((11))~~ (13) "Hydrocarbon" means a compound containing only the two elements carbon and hydrogen.

~~((12))~~ (14) "Improvements" means anything considered a fixture in law placed upon or attached to the lease premises that has changed the value of the land or any changes in the previous conditions of the fixtures that changes the value of the land.

(15) "Initial term" means the first period of time authorized under a lease or the exploration period of the lease.

~~((13))~~ (16) "In situ" means a process of in-place conversion of an energy resource in the ground by a thermal or liquification process in order to simplify extraction of the resource.

~~((14))~~ (17) "Lands" or "land" means both the surface and sub-surface components of the lease or contract premises.

~~((15))~~ (18) "Lease premises" means public land(;) including ~~((lands of))~~ retained mineral rights held under an oil and gas lease.

~~((16))~~ (19) "Lessee" means any person holding an oil and gas lease.

~~((17))~~ "Logical operating unit" means a contiguous area, independent of ownership, of mineral rights that can be developed and extracted in an efficient and economical manner with due regard to prevention of waste and environmental protection.)

~~((18))~~ (20) "Oil and gas" means all hydrocarbons ~~((and other substances and elements))~~ which are present in the earth in a gaseous or liquid form and produced therefrom. It shall not include coal, lignite, oilshale, or similar solid hydrocarbons. ~~((Nor shall it include minerals, waters, steam or any geothermal resource:))~~

~~((19))~~ (21) "Paying quantities" means extraction of oil and/or gas in a sufficient amount to generate oil and gas production royalties to the state.

~~((20))~~ (22) "Person" means any natural person, corporation, association, organization, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, or representative of any kind.

~~((21))~~ (23) "Plug and abandon" means to place permanent seals in well casings or drill holes in the manner as provided by chapter ~~((78.52 RCW))~~ 344-12 WAC and applicable regulations and in a way and at such intervals as are necessary to prevent future contamination; to remove all equipment from the site and rehabilitate the surface to its former state or usage as prescribed by the department.

~~((22))~~ (24) "Posted field price" means the announced price at which a crude oil or gas purchaser will buy the oil or gas of specified quality from a field.

(25) "Preliminary investigation" means geological, geophysical or geochemical investigation.

~~((23))~~ (26) "Production" means extracting oil and/or gas in paying quantities.

~~((24))~~ (27) "Public auction" means competitive lease offers either by oral or sealed bidding by qualified bidders or a combination of both.

~~((25))~~ (28) "Public lands" means lands and areas belonging to or held in trust by the state including ~~((tide and submerged lands of the Pacific Ocean or any arm thereof, beds and shorelands of navigable waters;))~~ state-owned aquatic lands and lands of every kind and nature including mineral rights reserved to the state, the trust or the department.

~~((26))~~ (29) "Reclamation" means the reasonable protection and rehabilitation of all land subject to disruption from exploration, development, and production of an oil and gas resource.

~~((27))~~ (30) "Refining" means improving the physical or chemical properties of oil or gas.

~~((28))~~ (31) "Shut-in" means to adequately cap or seal a well to control the contained oil and/or gas for an interim period.

~~((29))~~ (32) "String of tools" means a cable or rotary drill rig.

~~((30))~~ (33) "Surface rights" means full fee ownership of the surface of the property and the resources on and attached thereto, not including the mineral estate.

~~((31))~~ (34) "Undivided interest" means a total assignment of the lease to one person or an assignment which causes the total lease rights to be held jointly by more than one person including but not limited to joint or common tenancy and community property.

~~((32))~~ (35) "Waste" means the physical loss of a subsurface resource through damage, escape or inefficient extraction and as defined in ~~((WAC 344-12-040(46)))~~ chapter 78.52 RCW.

~~((33))~~ (36) "Well" means any bored, drilled, or redrilled hole for the exploration or production of oil, gas, and other hydrocarbon substances.

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

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

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-260 TERM OF LEASE. ~~((+))~~ Oil and gas leases ~~((shall))~~ may be for an initial term(s) of from five up to ten years and shall be extended for so long thereafter as lessee shall produce oil (or), gas or associated substances in paying quantities from the leased lands(, and as long thereafter as the lessee shall comply with the provisions hereof) and shall prosecute development on the leased land with due diligence of a prudent operator upon encountering oil, gas or associated substances; or shall be engaged in drilling, deepening, repairing, or redrilling any well thereon(, or be thereafter excused therefrom but not to exceed a period of twenty years including the initial five-year term); or shall be participating in a unit plan in accordance with RCW 79.14.020; or shall be prosecuting operations with due diligence of a prudent operator in accordance with RCW 79.14.050.

~~((2))~~ The lessee shall have a preference right to a new lease covering the leased area for an additional twenty-year period. An application for renewal of the original lease shall be filed with the department at least ninety days, but not more than six months, prior to the expiration of the lease.)

NEW SECTION

WAC 332-12-262 PRELIMINARY INVESTIGATION PERMIT. Entry to state lands not currently under lease as provided in chapter 79.14 RCW is permitted for preliminary investigations by obtaining a "preliminary investigation permit" from the department and paying required fees as determined by the board of natural resources. Such permits are valid for one year from the date of issuance unless an earlier term is specified or it is revoked by the department.

AMENDATORY SECTION (Amending Order 393, Resolution No. 409, filed 3/16/83 and Order 387, filed 11/16/82)

WAC 332-12-310 ANNUAL RENTAL OR MINIMUM ROYALTY. (1) The department shall require payment of not less than one dollar twenty-five cents per acre per year in annual rental. The lessee shall pay the first year's annual rental upon execution of the lease and pay a like rental in advance each year the lease remains in force: PROVIDED, That at any time the lease starts production, a minimum

royalty of five dollars per acre per year shall replace the annual rental ~~((and shall be credited against production royalties))~~. Minimum royalties shall be paid at the end of the lease year in which production starts and annually at the end of the lease year for the remainder of the term. When the required minimum royalty is greater than the production royalties paid during any lease year, the lessee shall pay the difference between the minimum royalty and the ~~((paid))~~ production royalties. Minimum royalties paid during the term of the lease are nonrefundable and nontransferable.

~~((f))~~(2) On lands which the state owns less than entire fee simple mineral rights in common tenancy (undivided interests), the lessee shall pay the department rentals and minimum royalties in the amount ~~((as if))~~ equal to the state's ((owned in fee simple the entire mineral rights of the leased acreage)) undivided mineral interest percentage in such lands.

(3) If the annual rental or minimum royalty is not paid as prescribed in the lease, the lease shall be terminated ~~((automatically as required by law))~~ as provided by RCW 79.14.090.(f))

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-360 PLAN OF OPERATIONS. ~~((The))~~ An applicant or lessee shall submit to the department and obtain approval of an acceptable plan of operations ((prior to)) when applying for a preliminary investigation permit or prior to applying for a drilling permit required under oil and gas conservation act chapter 78.52 RCW. The purpose of the plan of operations is to provide detailed information for intended activities regarding ((proposed lease activities in)) exploration(, development, production;) and reclamation(, and all other activities on the lease premises). The plan of operations shall be ~~((updated by the lessee))~~ reformulated to include development, production and additional reclamation or prior to making any ((substantial)) material change in ((its)) operations or when requested by the department ((and submitted for approval to the department)).

AMENDATORY SECTION (Amending Order 387, filed 11/16/82)

WAC 332-12-390 DUE DILIGENCE. Oil and gas leases ~~((shall be for a base term of five years and))~~ shall continue ~~((only))~~ after ~~((the base))~~ their initial term ((for a period not to exceed twenty years in total)) as provided by RCW 79.14.020 and RCW 79.14.050 if:

(1) The lessee has ~~((and is))~~ compl((ying))ied with ((all rules and regulations and)) the ((terms and)) conditions of the lease(;) and is actively exploring in which one string of tools is in operation on the lease premises, allowing not to exceed ninety days between the completion of one well and the start of the next; or

(2) The lessee shall be producing oil and/or gas in continuous paying quantities; or

~~((3))~~ The lessee shall be engaged in drilling, deepening, repairing, or redrilling any production well without a ninety-day cessation of operation; or)

~~((4))~~ The lessee shall be actively exploring with due diligence in which one string of tools is in operation on the lease premises, allowing not to exceed ninety days between the completion of one well and the start of the next; or)

~~((5))~~ (3) The lessee is proceeding and actively pursuing development in the opinion of the department to efficiently extract oil ~~((and/or))~~ gas or associated substances after discovery(;) or

(4) The lessee engages in drilling, deepening, repairing or redrilling any production well without a ninety-day cessation of such activities; or

(5) The lessee has constructed a well capable of producing oil, gas or associated substances in paying quantities which is shut-in by consent or order of the oil and gas conservation committee. Such lease extension shall continue for the duration of such consent or order.

WSR 86-04-082

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed February 5, 1986]

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 Service limited to license and order—Removal of liquor in open containers—Room service—Price list, WAC 314-16-040;

that the agency will at 9:30 a.m., Tuesday, March 11, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.08.030, 66.24.330 and 66.24.340.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: February 5, 1986

By: L. H. Pedersen
Chairman

STATEMENT OF PURPOSE

Title: WAC 314-16-040 Service limited to license and order—Removal of liquor in open containers—Room service—Price list.

Description of Purpose: Subsection (6) of the present rule prohibits substitutions of spirituous liquor by Class H licensees. The proposed change would prohibit substitutions by all licensees and would extend the prohibition to include beer and wine. The amendment to subsection (7) of the rule would permit a Class C licensee to advertise and sell wine mixed drinks by names which by long usage have become associated with spirituous liquor mixed drinks. Such wine mixed drinks would have to be prefaced with the term "wine."

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.030, 66.24.330 and 66.24.340.

Summary of Rule: Subsection (6) of the rule prohibits Class H licensees from substituting spirituous liquor and from substituting a nonalcoholic beverage when an alcoholic beverage is ordered. The amendment would extend the prohibition to all classes of licenses and also apply to beer and wine. Subsection (7) of the rule presently prohibits a Class C licensee from advertising or selling wine mixed drinks by names which by long usage have become associated with spirituous liquor mixed drinks. The proposed change would permit a licensee to sell and advertise wine cocktails with spirituous liquor names provided the drink name is prefaced by the word "wine."

Reason Supporting Proposed Action: In regard to subsection (6) of the rule, there have been complaints that when a particular brand or type of beer or wine is ordered a less expensive type or brand is served. At this time there is no prohibition on such substitutions by licensees that do not hold a Class H license. In regard to subsection (7) of the rule, wine cocktails have become an exceedingly popular alternative for drinks made with spirituous liquor. As long as there is no deception of the

consumer, there is no valid reason why they should not be named with names similar to spirituous liquor cocktails.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: The repeal of this rule was proposed by the Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact.

AMENDATORY SECTION (Amending Order 155, Resolution No. 164, filed 2/27/85)

WAC 314-16-040 SERVICE LIMITED TO LICENSE AND ORDER—REMOVAL OF LIQUOR IN OPEN CONTAINERS—ROOM SERVICE—PRICE LIST. (1) No retail licensee shall possess or allow any person to consume or possess any liquor other than that permitted by his license in or on the licensed premises, or on any public premises adjacent thereto which are under his control except under authority of a banquet permit.

(2) Beer and/or wine only licensees may keep spirituous liquor on the premises for use in the manufacture of confection or food products provided that prior written permission of the board is obtained, all confection or food products manufactured contain one percent or less of alcohol by weight, and customers are made aware that such confection or food products contain liquor and the alcohol content is one percent or less of the weight of the product.

(3) No retail licensee or employee thereof shall permit the removal of any liquor in an open container from the licensed premises except that liquor brought on a licensed premises under authority of a banquet permit shall be recorked, recapped or resealed in its original container and shall be removed at the termination of such banquet permit function. Further, wine may be removed as authorized by RCW 66.24.340 and 66.24.400.

(4) No holder of a Class H license shall be permitted to hold any other class of retail license covering the premises so licensed. Upon the granting of a Class H license, all other classes of retail licenses which may be held by such new Class H licensee at that time at the premises to be so licensed must be surrendered to the board for cancellation.

(5) Hotel room service is included in on-premises licenses.

(6) No ~~((Class H))~~ licensee shall sell or serve any spirituous liquor, beer, or wine other than ordered, or substitute a nonalcoholic beverage when an alcoholic beverage has been ordered. ~~((Such))~~ A Class H licensee shall display prices for all liquor either by posting a price list or by using menus listing such prices, or by both.

(7) No holder of a Class C license shall advertise for sale, nor sell, any mixed drink under the name of "Old Fashioned," "Whiskey Sour," "Singapore Sling," "Martini," "Manhattan," nor any other name which, by long and general usage, has become associated in the public mind as being the name of a mixed drink made from spirituous liquor, ~~((nor under any name which is so similar to the above prohibited names as to be readily confused therewith in the public mind. Nor shall any holder of a Class C license, in the mixing or compounding of any mixed drink, use any mixer or other substance whatsoever which contains any of the aromatic compounds and/or essential oils which give to any spirituous liquor its distinctive characteristics of aroma, bouquet and flavor. Nothing in this section shall deny to any))~~ unless the name of such drink is prefaced by the word "wine," such as Wine Old Fashioned. The holder of a Class C license ~~((the right to))~~ may advertise for sale, mix, compound or sell upon order, mixed drinks made from one or more wines under a name which does not conflict with this section.

WSR 86-04-083
PROPOSED RULES
LIQUOR CONTROL BOARD

[Filed February 5, 1986]

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:

Amd WAC 314-24-080 Containers—Sizes and types permitted.
 Amd WAC 314-28-010 Records;

that the agency will at 9:30 a.m., Thursday, March 13, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.08.050 and 66.24.140.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: February 5, 1986

By: L. H. Pedersen
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-24-080 Containers—Sizes and types permitted; and 314-28-010 Records.

Description of Purpose: WAC 314-24-080 is to eliminate references to container sizes which are no longer appropriate as container sizes are: Now approved in metric sizes. Container sizes are approved which do not meet the technical sizes listed in the rule as it now exists; and WAC 314-28-010 is a housekeeping update to bring WAC 314-28-010 into conformity with RCW 66.24.140.

Statutory Authority: RCW 66.08.030.

Statutes Implemented by the Rule: RCW 66.08.050 is for WAC 314-24-080; and RCW 66.24.140 is for WAC 314-28-010.

Summary of Rule: WAC 314-24-080 specifies the sizes of wine containers permitted for sale in the state of Washington; and WAC 314-28-010 refers to a \$50 license provided for in RCW 66.24.140. The \$50 fee was raised to \$200 in 1981, section 28, chapter 5, Laws of 1981 1st ex. sess.

Reason Supporting Proposed Action: WAC 314-24-080, wine sizes have been approved for sale in this state other than those listed in the WAC (example: 355 milliliter size). Furthermore, requests submitted by domestic (U.S. or Washington state wineries) for container sizes not included in this WAC must technically be denied. This rule permits wine from other countries to be imported in any container size approved by the Bureau of Alcohol, Tobacco and Firearms. In addition, the sizes listed in this rule are stated in quarts, when, in fact, containers are all now in metric measurement sizes; and WAC 314-28-010, an updated housekeeping change

due to an amendment to the rule in the 1981 legislative session.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: None.

Necessity of Rule: These rule changes were not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: There will be no negative cost impact for these rule changes.

AMENDATORY SECTION (Amending Order 67, Resolution No. 76, filed 8/8/78)

WAC 314-24-080 CONTAINERS—SIZES AND TYPES PERMITTED. (1) All wine sold for consumption in the state shall be sold in packages or ~~((containers of the following sizes: 2 ounces, 3 ounces, 4 ounces, 2/5 pint, 1/2 pint, 4/5 pint, one pint, 4/5 quart, one quart, 2/5 gallon, 1/2 gallon, 4/5 gallon, one gallon, 3 gallon[s] and 4.9 gallons. In addition, for aperitif wines only, 15/16 quart))~~ container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for Marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(2) No domestic winery or wine wholesaler, or wine importer shall adopt or use any packages for wine differing in sizes and case capacities from ~~((the following classification, to wit)): Manufacturer's original full cases ((of 2 ounces, 3 ounces, or 4 ounces; 24 or 48 2/5 pint; 24 or 48 1/2 pint, 12 or 24 4/5 pint, 24 one pint, 12 4/5 quart; 12 15/16 quart, 12 one quart, 3 or 6 2/5 gallon, 6 1/2 gallon, 3 or 4 4/5 gallon, 4 one gallon, 1, 2, or 3 three gallons, and 1 or 2 4.9 gallons. PROVIDED, HOWEVER, That the case capacity provisions set forth herein shall not apply to cases containing multiple packages of authorized sizes when originally packed by the manufacturer of such wine to comprise specific "gift-type" container units)).~~ The board may, in its discretion, authorize other container and/or keg size packages it deems appropriate.

(3) Wine referred to in subsections (1) and (2) of this regulation may also be packaged and sold in metric standards of fill and in case sizes as are established in 27 Code of Federal Regulations, to wit: 3 liters (101 fl. oz.) 4 bottles per case; 1.5 liters (50.7 fl. oz.) 6 bottles p/c; one liter (33.8 fl. oz.) 12 bottles p/c; 750 milliliters (25.4 fl. oz.) 12 bottles p/c; 375 milliliters (12.7 fl. oz.) 24 bottles p/c; 187 milliliters (6.3 fl. oz.) 48 bottles p/c; 100 milliliters (3.4 fl. oz.) 60 bottles p/c. Wine may be bottled or packed in containers of four liters or larger if the containers are filled and labeled in quantities of even liters.

(4) Wine imported from foreign countries may be packaged and container sizes approved by the Bureau of Alcohol, Tobacco, and Firearms, U.S. Treasury Department for marketing within the United States. A copy of the federal certificate of label approval must be submitted with each such request for authorization.

(5) For taxing purposes and in all reports to the board, the above enumerated designations of package sizes, and no others, shall be used.

AMENDATORY SECTION (Amending Order 14, filed 12/1/70, effective 1/1/71)

WAC 314-28-010 RECORDS. All fruit distillers, whether operating under the general distiller's license or under the ~~((fifty-dollar))~~ two hundred dollar license, provided in section 23-D of the Washington State Liquor Act (RCW 66.24.140), and who manufacture brandy or wine spirits intended for use by domestic wineries for brandy or wine spirits addition in the manufacture of wine, must keep separate records concerning such brandy or wine spirits on forms approved by the board, and such records must be kept separate and apart from any other records kept or required to be kept and maintained.

WSR 86-04-084
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed February 5, 1986]

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:

- | | | |
|-----|----------------|---|
| Amd | WAC 314-20-100 | Beer wholesale price posting. |
| Amd | WAC 314-20-105 | Beer suppliers' price filings, contracts and memoranda. |
| Amd | WAC 314-24-190 | Wine wholesale price posting. |
| Amd | WAC 314-24-200 | Wine suppliers' price filing, contracts and memoranda. |
| Amd | WAC 314-52-114 | Advertising by retail licensees, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions; |

that the agency will at 9:30 a.m., Thursday, March 13, 1986, in the Offices of the Liquor Control Board, Capital Plaza Building, 5th Floor, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 66.08.030, 66.98.070 and 66.08.060.

The specific statute these rules are intended to implement is RCW 66.24.250, 66.24.200, 66.24.210, 66.08.030, 66.08.060, 66.08.010, 66.24.170 and 66.24.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: February 5, 1986
 By: L. H. Pedersen
 Chairman

STATEMENT OF PURPOSE

Title: WAC 314-20-100 Beer wholesale price posting; 314-20-105 Beer suppliers' price filings, contracts and memoranda; 314-24-190 Wine wholesale price posting; 314-24-200 Wine suppliers' price filing, contracts and memoranda; and 314-52-114 Advertising by retail licensees, offering for sale, or selling beer, wine or spirituous liquor at less than cost—Prohibited—Exceptions.

Description of Purpose: WAC 314-20-100, amendment is to delete from the rule the references to chapter 19.90 RCW which was repealed by the legislature in 1983. New language is proposed which would define cost as "acquisition cost"; WAC 314-20-105, amendment is to delete from the rule the references to chapter 19.90 RCW which was repealed by the legislature in 1983. New language is proposed which would define cost as "acquisition cost"; WAC 314-24-190, amendment is to delete from the rule the references to chapter 19.90 RCW which was repealed by the legislature in 1983. New language is proposed which would define cost as "acquisition cost." This amendment will also properly reflect the total amount of the wine tax including the surcharge in RCW 82.02.030; WAC 314-24-200, amendment is to delete from the rule the references to

chapter 19.90 RCW which was repealed by the legislature in 1983. New language is proposed which would define cost as "acquisition cost." This amendment will also properly reflect the total amount of the wine tax including the surcharge in RCW 82.02.030; and WAC 314-52-114, amendment is to delete from the rule the requirement that "cost of doing business" be included within the definition of "cost" for purposes of determining whether a sale at less than cost has occurred. New language is proposed which would define cost as "acquisition cost."

Statutory Authority: RCW 66.08.030, 66.98.070 and 66.08.060.

Statutes Implemented by the Rule: RCW 66.24.250 is for WAC 314-20-100; RCW 66.08.010 and 66.08.060 is for WAC 314-20-105; RCW 66.24.200, 66.24.210, 66.08.030 and 66.08.060 is for WAC 314-24-190; RCW 66.24.170, 66.24.230, 66.08.030 and 66.08.060 is for WAC 314-24-200; and RCW 66.08.060 is for WAC 314-52-114.

Summary of Rules: WAC 314-20-100, amendment to rule deletes the requirement that "cost of doing business" be included in the cost of an item for purposes of determining whether it is being sold below cost. A new definition of cost allows for "acquisition cost"; WAC 314-20-105, amendment to rule deletes the requirement that "cost of doing business" be included in the cost of an item for purposes of determining whether it is being sold below cost. A new definition of cost allows for "acquisition cost"; WAC 314-24-190, amendment to rule deletes the requirement that "cost of doing business" be included in the cost of an item for purposes of determining whether it is being sold below cost. A new definition of cost allows for "acquisition cost." This rule currently refers to a wine tax of 20 and 1/4 cents per liter as imposed by RCW 66.24.210. However, it does not include the seven percent surcharge levied in RCW 82.02.030 and referenced in RCW 66.24.210(2); WAC 314-24-200, amendment to rule deletes the requirement that "cost of doing business" be included in the cost of an item for purposes of determining whether it is being sold below cost. A new definition of cost allows for "acquisition cost." This rule currently refers to a wine tax of 20 and 1/4 cents per liter as imposed by RCW 66.24.210. However, it does not include the seven percent surcharge levied in RCW 82.02.030 and referenced in RCW 66.24.210(2); and WAC 314-52-114, amendment to rule deletes the requirement that "cost of doing business" be included in the cost of an item for purposes of determining whether it is being sold below cost. A new definition of cost allows for "acquisition cost."

Reason Supporting Proposed Action: WAC 314-20-100, 314-20-105, 314-24-190, 314-24-200 and 314-52-114, these rules in their present form are administratively unworkable in that a determination of "cost of doing business" requires the use of debatable accounting concepts and creates numerous problems in determining applicable time frames, application to multi-outlet and/or multidivision operations, etc. Removing the "cost of doing business" concept from the definition of "cost" would make administration and enforcement of these rules simple and efficient in that the cost of the goods

involved could easily be determined and compared to the price at which they were sold to the consumer. Prohibiting sales below acquisition cost would prevent the vast majority of disruptive and predatory practices which these rules were designed to prevent and it would allow for a more efficient and widespread distribution of the board's enforcement resources so that better overall control would be achieved. By amending WAC 314-24-190 and 314-24-200 to include the surcharge and the total wine tax they will be in conformity with the changes we have already made to WAC 314-24-110 and will also make the rules easier to understand by the public.

Agency Personnel Involved: In addition to the board, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Jan Britt, Supervisor, Manufacturers/Importers/Wholesalers Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6282; and Gary Gilbert, Chief, Enforcement Division, Capital Plaza Building, Olympia, WA 98504, phone (206) 753-6270.

Person or Organization Proposing Rule: Washington State Liquor Control Board.

Agency Comments: These changes should simplify the rules and make them easier to understand.

Necessity of Rule: This rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: Cost impact for both large and small businesses is estimated to be minimal. The proposed rule amendments do not require any additional reporting or paperwork on behalf of either small or large businesses. However, recordkeeping and producing requirements for compliance with the rule will be less than they were when some documentation was required concerning "cost of doing business." This rule amendment will have no negative cost impact. By eliminating certain reporting requirements, costs will be reduced for both the industry and the board.

AMENDATORY SECTION (Amending Order 166, Resolution No. 175, filed 10/9/85, effective 12/10/85)

WAC 314-20-100 BEER WHOLESALER PRICE POSTING. (1) Every beer wholesaler shall file with the board at its office in Olympia a price posting showing the wholesale prices at which any and all brands of beer sold by such beer wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of the month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a beer wholesaler determines to make no changes in any items or prices listed in the last filed and approved

schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a beer wholesaler elects to file postings listing selected items on which prices are temporarily reduced for one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Each price posting shall be made on a form prepared and furnished by the board or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types, packages and containers of beer offered for sale by such beer wholesaler.

(b) The wholesale prices thereof to retail licensees, including allowances, if any, for returned empty containers.

(6) No beer wholesaler shall sell or offer to sell any package or container of beer to any retail licensee at a price differing from the price for such package or container as shown in the price posting filed by the beer wholesaler and then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below (~~"cost," or below "cost of doing business," or a "loss leader," as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act)~~ acquisition cost.

(8) Wholesale prices on a "close-out" item shall be accepted by the board if (~~in compliance with chapter 19.90 RCW and~~) the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a close-out price shall not restock the item for a period of one year following the first effective date of such close-out price.

(9) If an existing written contract or memorandum of oral agreement between a licensed brewer, certificate of approval holder, beer importer or beer wholesaler and a beer wholesaler, on file in accordance with WAC 314-20-105, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another beer wholesaler in the affected trade area, the board, after receiving such new contract or memorandum of oral agreement and a corresponding wholesale price posting from the newly-designated beer wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of such filings which are in effect at the time of such termination shall not be changed until subsequent filings are submitted to the board and become effective under regulatory procedures set forth in other subsections of this regulation and WAC 314-20-105.

(10) The board may reject any price posting which it deems to be in violation of this or any other regulation or portion thereof which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that said posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said posting is accepted it shall become effective at the time fixed by the board. If said posting is rejected, the last effective posting shall remain in effect until such time as an amended posting is filed and approved, in accordance with the provisions of this regulation.

(11) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not within any sense be considered confidential.

(12) Any beer wholesaler or employee authorized by his wholesaler-employer may sell beer at the wholesaler's posted prices to any Class A, B, D, E, H, or G licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class A, B, D, E, H, or G licensee upon purchasing any beer from a wholesaler, shall immediately cause such beer to be delivered to his licensed premises, and he shall not thereafter permit such beer to be disposed of in any manner except as authorized by his license.

(b) Beer sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed

premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both such places of delivery.

(13) When a new beer wholesaler's license is issued by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-20-105.

AMENDATORY SECTION (Amending Order 166, Resolution No. 175, filed 10/9/85, effective 11/25/85)

WAC 314-20-105 BEER SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA. (1) Every licensed brewer shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such brewer may have with any beer wholesaler, which contracts or memoranda shall contain a schedule of prices charged to wholesalers for all items, all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances and incentive programs; all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised contracts or memoranda shall forthwith be filed with the board as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of beer offered for sale by such licensed brewer; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the following month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

(a) When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it, or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(b) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in WAC 314-20-100 (9) and (13).

(3) Filing date exception—Whenever the twenty-fifth day of the month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) In the event that a brewer determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding posting period until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a licensed brewer elects to file postings listing selected items on which prices are temporarily reduced for a period of one posting period only, such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the posting period for which the price reductions will be in effect. At the expiration of the posting period during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Prices filed by a licensed brewer shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below ("~~cost,~~" or below "~~cost of doing business,~~" or a "~~loss leader~~" as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act) acquisition cost.

(6) No licensed brewer shall sell or offer to sell any beer to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(7) No licensed brewer shall sell or offer to sell any package or container of beer to any wholesaler at a price differing from the price for such package or container as shown in the schedule of prices filed by the brewer and then in effect.

(8) The provisions set forth in the foregoing subsections of this regulation shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by every certificate of approval holder who sells beer to a beer importer, every beer importer who sells beer to another beer importer or to a beer wholesaler, and every beer wholesaler who sells beer to another beer wholesaler: PROVIDED, That the provisions of this subsection shall not apply, and filings will not be required in the instance of beer wholesalers making accommodation sales to other beer wholesalers when such sales are made at a selling price not to exceed the laid-in cost of the beer being sold. Accommodation sales may only be made when the wholesaler purchasing the beer is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(9) Holders of certificates of approval may ship beer into this state when the beer has been sold and consigned to the holder of a beer importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the beer diverted unless such diversion is to another beer importer, and the board so notified immediately.

(10) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of beer. Whenever the board shall reject any such price filing, contract or memorandum the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of beer. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected, the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(11) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 91, Resolution No. 100, filed 8/2/82)

WAC 314-24-190 WINE WHOLESALE PRICE POSTING.

(1) Every wine wholesaler shall file with the board at its office in Olympia a wine price posting, showing the wholesale prices at which any and all brands of wine offered for sale by such wine wholesaler shall be sold to retailers within the state.

(2) All price postings must be received by the board not later than the tenth day of the month, and if approved will become effective on the first day of the calendar month following the date of such filing. An additional period, not to exceed five days will be allowed for revision of such posting to correct errors, omissions, or to meet competitive prices filed during the current posting period, but a revised posting must be on file at the board office by not later than the fifteenth day of the month in order to become effective on the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the tenth day of any month falls on Saturday, Sunday or a legal holiday, an original price posting may be filed not later than the close of business the next business day.

(4) In the event that a wine wholesaler determines to make no changes in any items or prices listed in the last filed and approved schedule, such prices listed in the schedule previously filed and in effect, shall remain in effect for each succeeding calendar month until a revised or amended schedule is filed and approved, as provided herein.

Provision for filing of temporary price reductions—In the event a wine wholesaler elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(5) Postings shall be submitted upon forms prescribed and furnished by the board, or a reasonable facsimile thereof, and shall set forth:

(a) All brands, types and sizes of packages or containers of wine offered for sale in this state by such wine wholesaler, which packages or containers shall be limited to the sizes permitted in WAC 314-24-080.

(b) The wholesale prices thereof within the state, which prices shall include the state wine tax plus surcharge of ~~((twenty and one-fourth))~~ \$0.2167 cents per liter imposed under RCW 66.24.210 and 82.02.030.

(6) No wine wholesaler shall sell or offer for sale any package or container of wine at a price differing from the price of such item as shown in the price posting then in effect.

(7) Quantity discounts are prohibited. No price shall be posted which is below ~~((“cost,” or below “cost of doing business,” or a “loss leader” as those terms are defined in chapter 19.90 RCW, Unfair Practices Act, except as otherwise provided in such act))~~ acquisition cost.

(8) Wholesale prices on a “close-out” item shall be accepted by the board ~~((if in compliance with chapter 19.90 RCW and))~~ when the item to be discontinued has been listed on the state market for a period of at least six months, and upon the further condition that the wholesaler who posts such a “close-out” price shall not restock the item for a period of one year following the first effective date of such “close-out” price.

(9) If an existing written contract or memorandum of oral agreement between a domestic winery, certificate of approval holder, wine importer, or wine wholesaler and a wine wholesaler, as filed in accordance with WAC 314-24-200, is terminated by either party, and a new written contract or memorandum of oral agreement is made by such a supplier with another wine wholesaler in the affected trade area, the board, after receiving such new written contract or memorandum of oral agreement, and a corresponding wholesale price posting from the newly designated wine wholesaler, may put such filings into effect immediately: PROVIDED, That prices and other conditions of any such filings which are in effect at the time of such termination shall not be changed prior to the next applicable filing period.

(10) When a new wine wholesaler's license is issued for the first time by the board, the holder thereof may file an initial price schedule and request that such posting be placed into effect immediately. The board may grant such approval, providing that such posting is in compliance with all other applicable regulatory requirements, and that contracts and memoranda are on file, in accordance with WAC 314-24-200.

(11) The board may reject any price posting or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any posting the licensee submitting said posting may be heard by the board and shall have the burden of showing that the posting is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said posting is accepted it shall become effective at a time fixed by the board. If said posting or portion thereof is rejected the last effective posting shall remain in effect until such time as an amended posting is filed and approved in accordance with the provisions of this regulation.

(12) Any wine wholesaler or employee authorized by his wholesaler-employer may sell wine at the wholesaler's posted prices to any Class C, F, H, or J licensee upon presentation to such wholesaler or employee at the time of purchase of a special permit issued by the board to such licensee.

(a) Every Class C, F, H, or J licensee, upon purchasing any wine from a wholesaler, shall immediately cause such wine to be delivered to his licensed premises, and he shall not thereafter permit such wine to be disposed of in any manner except as authorized by his license.

(b) Wine sold as provided herein shall be delivered by such wholesaler or his authorized employee either to such retailer's licensed premises or directly to such retailer at the wholesaler's licensed premises: PROVIDED, HOWEVER, That a wholesaler's prices to retail licensees shall be the same at both places of delivery.

(13) All price postings filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 91, Resolution No. 100, filed 8/2/82)

WAC 314-24-200 WINE SUPPLIERS' PRICE FILINGS, CONTRACTS AND MEMORANDA. (1) Every domestic winery shall file with the board at its office in Olympia a copy of every written contract and a memorandum of every oral agreement which such winery may have with any wine wholesaler, which contracts or memoranda shall contain a schedule of the prices charged to wholesalers for all items. Requirements for including or omitting from such prices the wine tax plus surcharge of ~~((twenty and one-fourth))~~ \$0.2167 cents per liter, imposed under RCW 66.24.210 and 82.02.030, are set forth in subsection (8) of this regulation. Contracts and memoranda required to be filed under this subsection must list all terms of sale, including all regular and special discounts; all advertising, sales and trade allowances; and all commissions, bonuses or gifts and any and all other discounts or allowances. Whenever changed or modified such revised prices, contracts or memoranda shall be filed with the board, as provided in this regulation.

Each price schedule shall be made on a form prepared and furnished by the board, or a reasonable facsimile thereof, and shall set forth all brands, types, packages and containers of wine offered for sale by such licensed domestic winery; all additional information required may be filed as a supplement to said price schedule forms.

(2) Filing date—All written contracts and memoranda of oral agreements must be received by the board not later than the twenty-fifth day of the month, and if approved will become effective on the first day of the second calendar month following the date of such filing. An additional period will be allowed for revision of such filings to correct errors and omissions, or to meet competitive prices, filed during the current posting period, but a revised contract or memorandum of oral agreement must be on file with the board not later than the first day of the month in order to become effective on the first day of the next calendar month: PROVIDED, That the board may in individual cases, for good cause shown, extend the date on which the filings required by the rules are to be received by the board.

When any price posting to be filed with the board under the provisions of this rule has been deposited in the United States mail addressed to the board, it shall be deemed filed or received on the date shown by the post office cancellation mark on the envelope containing it or on the date it was mailed if proof satisfactory to the board establishes that the actual mailing occurred on an earlier date.

(3) Filing date exception—Whenever the twenty-fifth day of any month falls on Saturday, Sunday, or a legal holiday, an original contract or memorandum of oral agreement may be filed not later than the close of business the next business day.

(4) Exceptions for changes in wholesalers and newly licensed wholesalers are set forth in WAC 314-24-190 (9) and (10).

(5) In the event that a domestic winery determines to make no changes in any contracts or memoranda last filed and then in effect, such contracts or memoranda shall remain in effect for each succeeding calendar month until revised or amended contracts or memoranda are filed and placed into effect as provided herein.

Provision for filing of temporary price reductions—In the event a licensed domestic winery elects to file postings listing selected items on which prices are temporarily reduced for a period of one calendar month only such filing shall be made on special forms provided for such purpose and clearly reflect all items, the selling price thereof, and the month for which the price reductions will be in effect. At the expiration of the month during which such reductions were effective the special filing will become void and the last regularly filed and effective price schedule shall again become effective until subsequently amended pursuant to regular filing dates.

(6) Prices filed by a domestic winery shall be uniform prices to all wholesalers on a statewide basis less bona fide allowances for freight differentials. Quantity discounts are prohibited. No price shall be filed which is below ~~((“cost,” or below “cost of doing business,” or a “loss leader” as those terms are defined in chapter 19.90 RCW, Unfair~~

Practices Act, except as otherwise provided in such act)) acquisition cost.

(7) The provisions set forth in subsections (1), (2), (3), (4), (5) and (6) shall also apply to written contracts and memoranda of oral agreements which must be filed with the board by certificate of approval holders who sell wine to wine importers; wine importers who sell to wine wholesalers; and wine wholesalers who sell to other wine wholesalers: PROVIDED, That the provisions of this subsection shall not apply, and filing will not be required, in the instance of wine wholesalers making accommodation sales to other wine wholesalers when such sales are made at a selling price not to exceed the laid-in cost of the wine being sold. Accommodation sales may only be made when the wholesaler purchasing the wine is an authorized purchaser of the brand and product being sold, having been designated as an authorized purchaser by the manufacturer or importer of the product being sold, as demonstrated by an existing contract or memoranda on file and in effect under the provisions of this rule.

(8) The wine tax plus surcharge, imposed under RCW 66.24.210 and 82.02.030, is not to be included in the prices filed as required by subsection (1) of this regulation by (a) a domestic winery, nor (b) by a certificate of approval holder who is not licensed as a wine wholesaler, nor (c) a wine importer who is not licensed as a wine wholesaler.

Every wine wholesaler who sells wine to another wine wholesaler shall include such tax in the prices posted on such required schedules.

(9) No domestic wineries, certificate of approval holders, wine importers, or wine wholesalers shall sell any wine to any persons whatsoever in this state until copies of such written contracts or memoranda of such oral agreements are on file with the board.

(10) Certificate of approval holders may ship wine into this state when the same has been sold and consigned to the holder of an importer's license at his licensed premises. The bill of lading covering such consignment shall not be changed or the wine diverted unless such diversion is to another importer, and the board so notified immediately.

(11) The board may reject any supplier's price filing, contract or memorandum of oral agreement or portion thereof which it deems to be in violation of this or any other regulation or which would tend to disrupt the orderly sale and distribution of wine. Whenever the board shall reject any such price filing, contract or memorandum of oral agreement the licensee submitting said price filing, contract or memorandum may be heard by the board and shall have the burden of showing that the said price filing, contract or memorandum is not in violation of regulation and/or does not tend to disrupt the orderly sale and distribution of wine. Thereupon if said price filing, contract or memorandum is accepted it shall become effective at a time fixed by the board. If said price filing, contract or memorandum or portion thereof is rejected the last effective price filing, contract or memorandum shall remain in effect until such time as an amended price filing, contract or memorandum is filed and approved, in accordance with the provisions of this regulation.

(12) All prices, contracts and memoranda filed as required by this regulation shall at all times be open to inspection to all trade buyers within the state of Washington and shall not in any sense be considered confidential.

AMENDATORY SECTION (Amending Order 134, Resolution No. 143, filed 12/7/83)

WAC 314-52-114 ADVERTISING BY RETAIL LICENSEES, OFFERING FOR SALE, OR SELLING BEER, WINE OR SPIRITUOUS LIQUOR AT LESS THAN COST—PROHIBITED—EXCEPTIONS. (1) Beer, wine, or spirituous liquor shall not be advertised, offered for sale or sold by retail licensees at less than acquisition cost((, or as a loss leader, as defined in the following subsections:

(a) "Cost" has its usual meaning and as applied to retail licensees means the invoice cost or replacement cost, whichever is lower, of the article or product to the licensee plus the cost of doing business by said licensee;

(b) "Cost of doing business" or "overhead expense" means all costs of doing business incurred in the conduct of such business and must include without limitation the following items of expense: Labor (including salaries of executives and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, credit losses, all types of licenses, taxes, insurance and advertising;

(c) "Loss leader" means any article or product sold at less than cost as herein defined to induce, promote, or encourage the purchase of other merchandise, or which may have the tendency or capacity to

mislead or deceive purchasers or prospective purchasers, or which diverts trade from or otherwise injures competitors)).

(2) The provisions of this section shall not apply to any sale made:

(a) In closing out in good faith the owner's stock or any part thereof for the purpose of discontinuing his trade in any such article or product and in the case of the sale of seasonal goods or to the bona fide sale of perishable goods to prevent loss to the vendor by spoilage or depreciation: PROVIDED, Notice is given to the public thereof;

(b) When the goods are damaged or deteriorated in quality, and notice is given to the public thereof;

(c) By an officer acting under the orders of any court;

(d) In an endeavor made in good faith to meet the legal prices of a competitor selling the same article or product in the same locality or trade area and in the ordinary channels of trade.

WSR 86-04-085

PROPOSED RULES

PARKS AND RECREATION COMMISSION

[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Parks and Recreation Commission intends to adopt, amend, or repeal rules concerning public assemblies, meetings, WAC 352-32-165;

that the agency will at 9:00 a.m., Friday, March 21, 1986, in Ballroom #3, Rivershore Motor Inn, 50 Comstock Street, Richland, WA, conduct a public hearing on the proposed rules.

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

The authority under which these rules are proposed is RCW 43.51.040 and 43.51.060.

The specific statute these rules are intended to implement is RCW 43.51.040 and 43.51.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 18, 1986.

Dated: February 5, 1986

By: Mike Reed

Executive Assistant

STATEMENT OF PURPOSE

Title: Public assemblies, meetings, WAC 352-32-165.

Description of Purpose: Clarify conditions and procedures related to use of state park lands and facilities for public assemblies and meetings.

Statutory Authority: RCW 43.51.040 and 43.51.060.

Summary of Rule: Requires a description or schedule of proposed event as part of application; requires evidence of crowd control, equipment and facilities arrangements; provides for submission of an environmental checklist; establishes a recommended submission date for applications; environmental impact is to be taken into account in reviewing the application. It is clarified that granting of the permit does not excuse compliance with other permit requirements.

Reasons Supporting Proposed Action: The action establishes and clarifies conditions under which a party may make use of park lands for public meetings and assemblies, and makes specific reference to the State Environmental Policy Act.

Agency Personnel Responsible for Drafting: Shirley Moore, Assistant Attorney General, Temple of Justice, Olympia, 98504; and Implementation: Washington State Parks and Recreation, Jan Tveten, Director, 7150 Cleanwater Lane, Olympia, WA 98504.

Proposing: [No information supplied by agency.]

Agency Comments: [No information supplied by agency.]

Federal Law/Court Action: The adoption of the rules referenced above are adopted following court action in Thurston County Superior Court (Case #85-2-01131-4). Judge Paula Casey ruled that the existing administrative code language is unconstitutional. No written opinion has been issued.

AMENDATORY SECTION (Amending Resolution No. 66, filed 3/31/83)

WAC 352-32-165 PUBLIC ASSEMBLIES, MEETINGS. (1) Public meetings, assemblies, rallies, gatherings, demonstrations, vigils, picketing, speechmaking, marches, parades, religious services and other public expressions of views are permitted in state park areas on grounds which are open to the public generally, provided a permit therefor has been issued as herein provided.

(2) An application for such a permit may be submitted on such forms as may be provided by the commission, or in any written form so long as the permit application sets forth the following:

- (a) Name, address and phone number of the applicant;
- (b) Date, time, duration, nature and place of the proposed event, including a description or schedule of events and activities;
- (c) Estimate of the number of persons expected to attend including the basis for the estimate;
- (d) Special equipment, including temporary structures such as speakers' stands, platforms, lecterns, chairs, benches or the like, and any sound amplification equipment to be used in connection with the event;
- (e) Special facilities, including emergency first aid, additional sanitation and refuse collection facilities, to be used in connection with the event;
- (f) Crowd control to be provided by the event sponsor;
- (g) Designation of a responsible contact individual with whom park officials may coordinate event activities, plans and preparations.

(3) The equipment and facilities referenced in subsection(s) (2)(d) and (e), ~~((above))~~ of this section, are to be provided by the event sponsor, unless other mutually satisfactory arrangements are made to use locally available commission owned equipment and facilities.

(4) ~~((Permit applications, along with a \$10.00 nonrefundable permit fee, are to be submitted to the park manager of the park where the event is proposed to take place at least thirty days in advance of the proposed event.~~

~~((5))~~ The applicant must supply satisfactory evidence of arrangements for such equipment, facilities, and crowd control.

(5) The applicant must submit a completed environmental checklist along with the application. Environmental checklists are available at libraries, city planning offices, state parks, and similar outlets. Upon request, the agency will assist the applicant in completing the environmental checklist.

(6) It is recommended that permit applications be submitted at least fifteen days in advance of the proposed event so that the information supplied in the application may be verified and so that the agency can notify and coordinate action with officials of other jurisdictions and agencies responsible for health, safety and welfare.

(7) The permit application must be submitted along with a ten-dollar nonrefundable permit fee to the director of the Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504. The ~~((park manager))~~ director, or his or her ~~((region supervisor))~~ designee, may issue a permit consistent with the application, or otherwise modified in a manner which is acceptable to the applicant. ~~((If a permit is not so issued, the application will be forwarded to the director for consideration.))~~ The director will issue a permit on proper application unless:

(a) A prior application for the same time and place has been made which has been or will be granted; or

(b) The event will present a clear and present danger to the public health or safety; or

(c) The event is of such nature or duration that it cannot reasonably be accommodated in the particular park area applied for. In considering this, the director shall take into account the potential for significant environmental impact.

~~((6))~~ (8) All permit applications ~~((submitted in accordance with subsections (2) and (4), above;))~~ shall be deemed granted if not denied or otherwise conditioned or limited as herein specified, and the applicant advised of such action by written notification mailed, first-class postage prepaid, within ten ~~((working))~~ days of receipt of the application. ~~((All other permit applications shall require written or verbal approval of the director, region supervisor or park manager.))~~ The granting of this permit does not exempt the applicant from complying with other state, county or local permit requirements nor does it excuse compliance with the state environmental policy act, where applicable. A threshold determination will be made by the agency to determine potential environmental impact. Applicants should be aware that time-limits may exist under the state environmental policy act and implementing regulations which are independent of this permit requirement.

(9) All permit denials will be in writing, will contain a statement of the specific reasons for the denial, and will advise the applicants of the right to request judicial review of the denial as provided in subsection ~~((8), below))~~ (11) of this section.

~~((7))~~ (10) A permit issued by the director may contain such conditions as are reasonably consistent with protection and use of the park area for the purposes for which it is maintained. It may also contain reasonable limitations on the time and area within which the event is permitted.

~~((8))~~ (11) Applicants whose permit application is denied may in writing request that the commission seek judicial review of the denial, in which event the commission shall timely seek a declaratory judgment pursuant to the Uniform Declaratory Judgment Act, chapter 7.24 RCW, and Superior Court Rule 57, in the superior court for Thurston County. Such requests shall be mailed, or otherwise delivered to the Director, Washington State Parks and Recreation Commission, 7150 Cleanwater Lane, Olympia, Washington 98504.

WSR 86-04-086
EMERGENCY RULES
DEPARTMENT OF LICENSING
[Order PL 580—Filed February 5, 1986]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees, amending WAC 308-12-312.

I, Theresa Anna Aragon, 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 section 13, chapter 37, Laws of 1985, amended chapter 18.08 RCW to authorize the practice of architecture by architects in corporate form. The amended fee schedule is necessary to implement the legislation by setting fees for corporate registration as an architect firm.

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

This rule is promulgated pursuant to RCW 18.08.130 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 4, 1986.
By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order PL 425, filed 2/3/83)

WAC 308-12-312 FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

TITLE OF FEE	FEE
Initial registration	\$ 35.00
Registration renewal	35.00
Late registration renewal penalty	35.00
Certificate replacement	15.00
Examination proctor fee	30.00
Reciprocity registration fee	250.00
Initial examination application	25.00
Retake examination application	20.00
Initial examination all parts	220.00
<u>Corporation Certificate of authority (all registered architects)</u>	<u>250.00</u>
<u>Corporation Certificate of authority (business or stock)</u>	<u>500.00</u>
<u>Corporation Certificate of authority (renewals)</u>	<u>100.00</u>
EXAM RETAKE	
Division A: Pre-design	33.00
Division B: Site design	33.00
Division C: Building design	55.00
Division D: Structural - General	16.50
Division E: Structural - Lateral forces	12.50
Division F: Structural - Long span	8.50
Division G: Mechanical, plumbing, electrical & safety systems	16.50
Division H: Materials and methods	21.00
Division I: Construction documents and services	24.00

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

WSR 86-04-087
ADOPTED RULES
DEPARTMENT OF LICENSING
(Examining Board of Psychology)
[Order PL 578—Filed February 5, 1986]

Be it resolved by the Examining Board of Psychology, acting at Seattle, Washington, that it does adopt the annexed rules relating to adopting WAC 308-122-060, 308-122-630, 308-122-670; and amending WAC 308-

122-215, 308-122-500, 308-122-505, 308-122-525 and 308-122-640.

This action is taken pursuant to Notice No. WSR 85-24-074 filed with the code reviser on December 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 pursuant to RCW 18.83.050(5) 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 4, 1986.
By Martha S. Perry, Ph.D.
Chairperson

NEW SECTION

WAC 308-122-060 GUIDELINES FOR THE EMPLOYMENT AND/OR SUPERVISION OF AUXILIARY STAFF. (1) Qualifications of the supervisor: The supervisor shall be licensed in Washington State for the practice of psychology and have adequate training, knowledge, and skill to evaluate the competence of the work of the auxiliary staff. The supervisor may not be employed by the auxiliary staff.

(2) Qualifications of the auxiliary staff: The staff person must have the background, training, and experience that is appropriate to the functions performed. The supervisor is responsible for determining the adequacy of the qualifications of the staff person and the designation of his/her title.

(3) Responsibilities of the supervisor: The supervisor accepts full legal and professional responsibility for all services that may be rendered by the auxiliary staff. To this end, the supervisor shall have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan and assure the delivery of effective services. The supervisor is responsible for assuring that appropriate supervision is available or present at all times. The supervisor is responsible for assuring that auxiliary staff are informed of and adhere to requirements of confidentiality. The supervisor shall assure that the staff person providing services is appropriately covered by professional liability insurance and adheres to accepted business practices.

(4) Conduct of supervision: It is recognized that variability in preparation for duties to be assumed will require individually tailored supervision. In the case of auxiliary staff providing psychological services, a detailed job description shall be developed and a contract for supervision prepared.

(5) Conduct of services that may be provided by auxiliary staff: Procedures to be carried out by the auxiliary staff shall be planned in consultation with the supervisor. Clients of the auxiliary staff shall be informed as to his/her status and shall be given specific information as to his/her qualifications and functions. Clients shall be informed of the identity of the supervisor. They shall be

informed that they might meet with the supervisor at their own request, the auxiliary staff person's or the supervisor's request. Written reports and communications shall be countersigned by the supervisor.

NEW SECTION

✓ WAC 308-122-630 MORAL AND LEGAL STANDARDS. Psychologists' moral and ethical standards of behavior are a personal matter to the same degree as they are for any other citizen, except as these may compromise the fulfillment of their professional responsibilities or reduce the public trust in psychology and psychologists. Regarding their own behavior, psychologists are sensitive to prevailing community standards and to the possible impact that conformity to or deviation from these standards may have upon the quality of their performance as psychologists. Psychologists are also aware of the possible impact of their public behavior upon the ability of colleagues to perform their professional duties.

(1) As teachers, psychologists are aware of the fact that their personal values may affect the selection and presentation of instructional materials. When dealing with topics that may give offense, they recognize and respect the diverse attitudes that students may have toward such materials.

(2) As employees or employers, psychologists do not engage in or condone practices that are inhumane or that result in illegal or unjustifiable actions. Such practices include, but are not limited to, those based on considerations of race, handicap, age, gender, sexual orientation relating to competent, consenting adults, religion, or national origin in hiring, promotion, or training. Sexual orientation shall not be construed to include activities or practices which are illegal, pathological or abusive.

(3) In their professional roles, psychologists avoid any action that will violate or diminish the legal and civil rights of clients or of others who may be affected by their actions.

(4) As practitioners and researchers, psychologists act in accord with current professional standards and guidelines related to practice and to the conduct of research with human beings and animals. In the ordinary course of events, psychologists adhere to relevant governmental laws and institutional regulations. When federal, state, provincial, organizational, or institutional laws, regulations, or practices are in conflict with professional standards and guidelines, psychologists made known their commitment to professional standards and guidelines and, wherever possible, work toward a resolution of the conflict. Both practitioners and researchers are concerned with the development of such legal and quasi-legal regulations as best serve the public interest, and they work toward changing existing regulations that are not beneficial to the public interest.

NEW SECTION

✓ WAC 308-122-670 PROFESSIONAL RELATIONSHIPS. Psychologists act with due regard for the

needs, special competencies, and obligations of their colleagues in psychology and other professions. They respect the prerogatives and obligations of the institutions or organizations with which these other colleagues are associated.

(1) Psychologists understand the areas of competence of related professions. They make full use of all the professional, technical, and administrative resources that serve the best interests of consumers. The absence of formal relationships with other professional workers does not relieve psychologists of the responsibility of securing for their clients the best possible professional service, nor does it relieve them of the obligation to exercise foresight, diligence, and tact in obtaining the complementary or alternative assistance needed by clients.

(2) Psychologists know and take into account the traditions and practices of other professional groups with whom they work and cooperate fully with such groups. If a person is receiving similar services from another professional, psychologists do not offer their own services directly to such a person. If a psychologist is contacted by a person who is already receiving similar services from another professional, the psychologist carefully considers that professional relationship and proceed with caution and sensitivity to the therapeutic issues as well as the client's welfare. The psychologist discusses these issues with the client so as to minimize the risk of confusion and conflict.

(3) Psychologists who employ or supervise other professionals or professionals in training accept the obligation to facilitate the further professional development of these individuals. They provide appropriate working conditions, timely evaluations, constructive consultation, and experience opportunities.

(4) Psychologists do not exploit their professional relationships with clients, supervisees, students, employees, or research participants sexually or otherwise. Psychologists do not condone or engage in sexual harassment. Sexual harassment is defined as deliberate or repeated comments, gestures, or physical contacts of a sexual nature that are unwanted by the recipient or that create for the recipient an intimidating, hostile, or offensive environment.

(5) In conducting research in institutions or organizations, psychologists secure appropriate authorization to conduct such research. They are aware of their obligations to future research workers and ensure that host institutions receive adequate information about the research and proper acknowledgment of their contributions.

(6) Publication credit is assigned to those who have contributed to a publication in proportion to their professional contributions. Major contributions of a professional character made by several persons to a common project are recognized by joint authorship, with the individual who made the principal contribution listed first. Minor contributions of a professional character and extensive clerical or similar non-professional assistance may be acknowledged in footnotes or in an introductory statement. Acknowledgement through specific citations is made for unpublished as well as published material

that has directly influenced the research or writing. Psychologists who compile and edit material of others for publication, publish the material in the name of the originating group, if appropriate, with their own name appearing as chairperson or editor. All contributors are to be acknowledged and named.

AMENDATORY SECTION (Amending Order PL 521, filed 3/5/85)

✓WAC 308-122-215 PSYCHOLOGISTS — EXPERIENCE PREREQUISITE TO LICENSING. (1) Need for supervision. The law requires that the applicant have at least twelve months experience practicing psychology under qualified supervision after having completed all requirements for a doctoral degree. Supervision must be appropriate to the area(s) of professional activity in which the candidate intends to function.

(2) Twelve months of experience shall include a MINIMUM of 1500 supervised clock hours of psychological work. There should be a MINIMUM of one hour of individual supervision for every twenty hours of psychological work. The majority of supervised hours should be in the area(s) of intended psychological work. Documentation of experience and supervision hours shall be kept by supervisee and supervisor.

(3) Appropriate supervision is that provided by a licensed psychologist with two (2) years post-license experience, a psychiatrist with three (3) years of experience beyond residency, or an MSW with five (5) years post degree experience or a doctoral level psychologist by training and degree with two (2) years of post-doctoral experience who is exempt from licensure by RCW 18.83.200(1); 18.83.200(2); 18.83.200(3); or, 18.83.200(4), but only when supervising within the exempt setting. At least 50 percent of supervision must be provided by a licensed psychologist. The supervisor must have competence in the area(s) of intended psychological work of the supervisee. The supervisor shall not supervise in any area in which he or she does not have competence.

(4) Content of supervision. Supervision should include, but not be limited to, the following content area:

- (a) Discussion of services provided by the supervisee;
- (b) Selection, service plan, and review of each case or work unit of the supervisee;
- (c) Discussion of and instruction in theoretical conceptions underlying the supervised work;
- (d) Discussion of the management of professional practice or other administrative or business issues;
- (e) Evaluation of the supervisory process, supervisee, and supervisor;
- (f) Discussion of the coordination of services among other professionals involved in particular work units;
- (g) Review of relevant Washington laws and rules and regulations;
- (h) Discussion of ethical principles including principles that apply to current work;
- (i) Review of standards for providers of psychological services;
- (j) Discussion of other relevant reading materials specific to cases, ethical issues, and the supervisory process.

(5) Mode of supervision. The nature of supervision will vary depending on the theoretical orientation of the supervisor, the training and experience of the supervisee, and the duration of the supervisory relationship. It is reasonable for a supervisor to ask for detailed process notes and progress reports. Audio tapes, video tapes, client supplied information such as behavioral ratings, and one-way mirror observations are also appropriate when deemed useful and/or necessary. However accomplished, supervision shall include some direct observation of the supervisee's work. The preferred mode of supervision is face-to-face discussion between supervisor and supervisee.

(6) Authority of supervisor. The supervisor is ethically and legally responsible for all supervisee work covered in the written agreement for supervision. Therefore, it is the authority of the supervisor to alter service plans or otherwise direct the course of psychological work.

(7) Written agreement for supervision. The supervisor and supervisee shall have a written agreement for supervision. This shall include:

- (a) The area(s) of professional activity in which supervision will occur;
- (b) Hours of supervision and/or ratio of supervisory hours or professional hours;
- (c) Supervisory fees, if appropriate;
- (d) Process of supervision including mode of supervision, expectations for recordkeeping, and expectations for evaluation and feedback;
- (e) Relevant business arrangements;
- (f) How the supervisee will represent him or herself;
- (g) How disagreements will be handled.

(8) Representation of supervisee to the public. It shall be the responsibility of the supervisee to represent him or herself to the consuming public as being in training status with a suitable supervisor. Clients shall be informed of the identity and responsibilities of the supervisor; and shall be informed of their right to consult or speak directly with the supervisor. Such titles as psychological resident, psychological intern or psychological supervisee, are deemed appropriate for the supervisee. NO services provided by the supervisee shall be represented to third parties as having been provided by the supervisor. Insurance forms should be filled out to indicate the nature of the supervisory relationship.

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

AMENDATORY SECTION (Amending Order PL 276, filed 11/16/77)

✓WAC 308-122-500 CONTINUING EDUCATION—PURPOSE AND SCOPE. The ultimate aim of Continuing Education is to ensure the highest quality of professional work. Continuing psychology education consists of educational activities designed to review existing concepts and techniques and to convey information and knowledge about advances in psychology as applied to the work settings. The objectives are to improve and increase the ability of the psychologist to deliver the highest possible quality of psychological work and to

keep the professional psychologist abreast of current developments in a rapidly changing field. All psychologists, licensed pursuant to chapter 18.83 RCW, and holders of certificates of qualification issued pursuant to RCW 18.83.105, will be required to meet the continuing education requirements set forth in these rules as a prerequisite to license renewal.

AMENDATORY SECTION (Amending Order PL 276, filed 11/16/77)

✓WAC 308-122-505 CONTINUING EDUCATION—GENERAL REQUIREMENTS. The Washington State Board of Psychology Examiners (hereafter referred to as the board) requires one hundred fifty credit hours of Continuing Psychological Education (hereafter referred to as CPE) every three years. One clock hour of acceptable CPE activity equals one credit hour. Currently licensed psychologists will be divided into three groups, by birthdates, for ease in implementing CPE. Group I, those with birthdates falling in the months of January, February, March or April, will have 1 year to show evidence of 50 hours, Group II, those with birthdates falling in the months of May, June, July or August, will have 2 years to show evidence of 100 hours, and Group III, those with birthdates falling in the months of September, October, November or December, will have 3 years to show evidence of 150 hours. Groups ((+)) I and ((2)) II may distribute their hours in any of the categories without minimum or maximum category limitations. After implementation phase, all licensees will be on the 3 year cycle. All new psychologists licensed after the effective date will have 3 years to show evidence of 150 hours.

Any holder of certificate of qualification on February 1, 1986 will have 3 years from their birthdate following February 1, 1986, to show evidence of 150 hours. Any person issued a certificate of qualification after February 1, 1986 will have 3 years from the date of issuance to show evidence of 150 hours.

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

AMENDATORY SECTION (Amending Order PL 276, filed 11/16/77)

✓WAC 308-122-525 CONTINUING EDUCATION—SPECIAL CONSIDERATIONS. In lieu (total or partial) of one hundred fifty hours of CPE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the board.

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the board evidence of completion of that other state's or

country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CPE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) in lieu of one hundred fifty hours of CPE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.

(6) All board members appointed after December 31, 1985 shall receive, for each year of service on the board, ten continuing education credits, to be applied in any category the board member chooses.

AMENDATORY SECTION (Amending Order PL 522, filed 3/5/85)

✓WAC 308-122-640 PUBLIC STATEMENTS. Public statements, announcements of service, advertising, and promotional activities of psychologists serve the purpose of helping the public make informed judgments and choice. Psychologists represent accurately and objectively their professional qualifications, affiliations, and functions, as well as those of the institutions or organizations with which they or the statements may be associated. In public statements providing psychological information or professional opinions (~~or providing information or professional opinions~~) or providing information about the availability of psychological products, publications, and services, psychologists base their statements on scientifically acceptable psychological findings and techniques with full recognition of the limits and uncertainties of such evidence.

(1) When announcing or advertising professional services, psychologists may list the following information to describe the provider and services provided: Name, highest relevant academic degree earned from a regionally accredited institution, date, type, and level of certification or licensure, diplomate status, professional association status, address, telephone number, office hours, a brief listing of the type of psychological services offered, an appropriate presentation of fee information, foreign languages spoken, and policy with regard to third-party payments. Additional relevant or important consumer information may be included if not prohibited by other sections of ((those)) these Ethical Principles.

(2) In announcing or advertising the availability of psychological products, publications, or services, psychologists do not present their affiliation with any organization in a manner which falsely implies sponsorship or certification of that organization. Public statements include, but are not limited to, communication by means of periodical, book, list, directory, television, radio, or motion picture. They do not contain

(a) a false, fraudulent, misleading, deceptive, or unfair statement;

(b) a misinterpretation of fact or a statement likely to mislead or deceive because in context it makes only a partial disclosure of relevant facts;

~~((c) a testimonial from a patient regarding the quality of a psychologist's services or products;))~~

~~((d)) (c) a statement intended or likely to create false or unjustified expectations of favorable results;~~

~~((e) a statement implying unusual, unique, or one-of-a-kind abilities;))~~

~~((f)) (d) a statement intended or likely to appeal to a client's fears, anxieties, or emotions concerning the possible results of failure to obtain the offered services;~~

~~((g) a statement concerning the comparative desirability of offered services;))~~

~~((h) a statement of direct solicitation of individual clients.))~~ Psychologists do not use power, influence or offers of compensation to solicit testimonials from clients.

(3) Psychologists do not compensate or give anything of value to a representative of the press, radio, television, or other communication medium in anticipation of or in return for professional publicity in a news item. A paid advertisement must be identified as such, unless it is apparent from the context that it is a paid advertisement. If communicated to the public by use of radio or television, an advertisement is prerecorded and approved for broadcast by the psychologist, and a recording of the actual transmission is retained by the psychologist.

(4) Announcements or advertisements of "personal growth groups," clinics, and agencies give a clear statement of purpose and a clear description of the experiences to be provided. The education, training, and experience of the staff members are appropriately specified.

(5) Psychologists associated with the development or promotion of psychological devices, books, or other products offered for commercial sale make reasonable efforts to ensure that announcements and advertisements are presented in a professional, scientifically acceptable, and factually informative manner.

~~((6) Psychologists do not participate for personal gain in commercial announcements or advertisements recommending to the public the purchase or use of proprietary or single-source products or services when that participation is based solely upon their identification as psychologists.))~~

~~((7)) (6) Psychologists present the science of psychology and offer their services, products, and publications fairly and accurately, avoiding misrepresentation through sensationalism, exaggeration, or superficiality. Psychologists are guided by the primary obligation to aid the public in developing informed judgments, opinions, and choices.~~

~~((8)) (7) As teachers, psychologists ensure that statements in catalogs and course outlines are accurate and not misleading, particularly in terms of subject matter to be covered, bases for evaluating progress, and the nature of course experiences. Announcements, brochures, or advertisements describing workshops, seminars, or other educational programs accurately describe~~

the audience for which the program is intended as well as eligibility requirements, educational objectives, and nature of the materials to be covered. These announcements also accurately represent the education, training, and experience of the psychologists presenting the programs and any fees involved.

~~((9)) (8) Public announcements or advertisements soliciting research participants in which clinical services or other professional services are offered as an inducement make clear the nature of the services as well as the costs and other obligations to be accepted by participants in the research.~~

~~((10)) (9) A psychologist accepts the obligation to correct others who represent the psychologist's professional qualifications, or associations with products or services, in a manner incompatible with these guidelines.~~

~~((11)) (10) Individual diagnostic and therapeutic services are provided only in the context of a professional psychological relationship. When personal advice is given by means of public lectures or demonstrations, newspaper or similar media, the psychologist utilizes the most current relevant data and exercises the highest level of professional judgment.~~

~~((12)) (11) Products that are described or presented by means of public lectures or demonstrations, newspaper or magazine articles, radio or television programs, or similar media meet the same recognized standards as exist for products used in the context of a professional relationship.~~

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 86-04-088

ADOPTED RULES

DEPARTMENT OF LICENSING (Board of Registration for Architects)

[Order PL 579—Filed February 5, 1986]

Be it resolved by the Washington State Board of Registration for Architects, acting at the Peninsula Room, Airport Hilton, 17620 Pacific Highway South, Seattle, WA 98188, that it does adopt the annexed rules relating to:

Amd	WAC 308-12-050	Registration by reciprocity.
Amd	WAC 308-12-081	The seal.
New	WAC 308-12-140	Examination; qualifications of candidates.
New	WAC 308-12-145	Acceptable work experience.
New	WAC 308-12-150	Work experience defined.

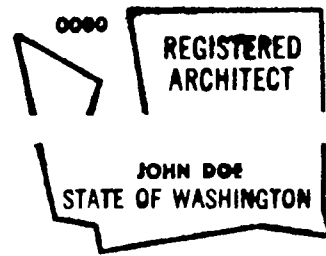
This action is taken pursuant to Notice No. WSR 86-01-090 filed with the code reviser on December 19, 1985. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.08.340 and 18.08.350 (3)(a) and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED February 3, 1986.

By Sydney W. Beckett
Executive Secretary



AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

✓ WAC 308-12-050 REGISTRATION BY RECIPROcity. Pursuant to RCW 18.08.400, (~~((section 11, chapter 37, Laws of 1985))~~) the board will recommend to the director that the director grant a certificate of registration to a registered architect in another state or territory of the United States, the District of Columbia, or another country provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants. (~~((2) That the applicant presents))~~ Documentation of NCARB Certification may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350 (~~((section 6, chapter 37, Laws of 1985))~~).

(2) That the applicant provides a written comparative analysis of Washington state law and the law of the applicant's base state, territory or country.

(3) That the board will require an oral examination of any candidate for registration by reciprocity, except that oral examination may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(4) That the applicant's base state, territory, (~~((state))~~) or country grants reciprocal privileges to architects registered in the state of Washington.

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

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

✓ WAC 308-12-081 THE SEAL Every architect licensed in the state of Washington shall have a seal of design authorized by the board, bearing the registrant's name, license number and the legend "Registered Architect, State of Washington." The seal with the registrant's countersignature shall appear on every drawing filed with public authorities. A facsimile of the seal appears herewith.

No architect's (~~((staff))~~) stamp or countersignature shall be affixed to any drawings not prepared by the architect or his or her regularly employed subordinates, or reviewed by the architect. An architect who signs or seals drawings or specifications that he or she has reviewed is responsible to the same extent as if prepared by that architect.

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 308-12-140 EXAMINATION; QUALIFICATIONS OF CANDIDATES. All candidates who had taken any part of the architectural examination prior to July 28, 1985 shall remain eligible to take the examination after July 28, 1985.

NEW SECTION

✓ WAC 308-12-145 ACCEPTABLE WORK EXPERIENCE. The board shall accept all qualifying practical work experience up to the date of the examination for which the candidate is sitting.

NEW SECTION

✓ WAC 308-12-150 WORK EXPERIENCE DEFINED. (1) In order to receive credit from the board for full-time practical architectural work experience, the applicant must be employed for at least thirty-five (35) hours per week for a minimum of ten (10) consecutive weeks.

(2) In order to receive credit from the board for part time practical architectural work experience, the applicant must be employed for at least twenty (20) hours per week in periods of six (6) or more consecutive months.

WSR 86-04-089
PROPOSED RULES
DEPARTMENT OF LICENSING
(Board of Dental Examiners)
[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Dental Examiners intends to adopt, amend, or repeal rules concerning examination content, amending WAC 308-40-102;

that the agency will at 9:00 a.m., Friday, March 21, 1986, in the Peninsula Room East, Hilton at SeaTac, 17620 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 18.32.040.

The specific statute these rules are intended to implement is RCW 18.32.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 21, 1986.

Dated: February 3, 1986

By: Linda G. Crerar

Executive Secretary

Professional Licensing Division

Department of Licensing

STATEMENT OF PURPOSE

Name of Agency: Washington State Board of Dental Examiners.

Purpose of Proposed Amendment: To amend the rule relating to examination content and possible content.

Statutory Authority: RCW 18.32.040.

Summary of the Rule: WAC 308-40-102 Examination content.

Reason for Proposed Amendment: To restate and allow flexibility in examination content.

Responsible Personnel: The Washington State Board of Dental Examiners and the executive secretary for the board have the responsibility for drafting, implementing and enforcing this rule. The executive secretary is Linda Crerar, P.O. Box 9649, Olympia, WA 98504, phone (206) 753-2461 comm, 234-2461 scan.

Proponents of the Proposed Amendment: Washington State Board of Dental Examiners.

Agency Comments: The amendment is proposed pursuant to RCW 18.32.040.

Small Business Economic Impact Statement: Not required in that the proposed rule does not impact small businesses as that term is defined in RCW 19.85.020.

Federal Law or State Court Requirements: Not necessitated as the result of federal or state court action.

AMENDATORY SECTION (Amending Order PL 462, filed 3/21/84)

WAC 308-40-102 EXAMINATION CONTENT. (1) The examination will consist of:

(a) Theory: National board only accepted, except as provided in (1)(c).

(b) Practical/Practice:

(i) Restorative examination: The restorative examination shall consist of an amalgam restoration, a cast gold restoration and a gold foil restoration. Proper radiographs are required for each cavity selection.

Amalgam Class II

Cast gold restoration - Three or more surfaces.

Gold foil - Class II, III or V

~~((#))~~ (c) The board may, at its discretion, give an examination in any other ~~((phase of dentistry))~~ subject under (1)(a) or (1)(b), whether in written and/or practical form.

(2) Each applicant must furnish his or her own patient for all phases, as may be required, of the practical/practice examination. Patients must be at least eighteen years of age, and shall not be a dentist, dental student, dental hygienist or dental hygiene student. The state

board of dental examiners and the school of dentistry assume no responsibility regarding work done on patients. Candidates will be required to furnish documentary evidence of malpractice and liability insurance for the examination.

(3) An assistant will be permitted to assist the applicant at the chair. Dentists or undergraduate dental students, hygienists, undergraduate hygienists are not acceptable as assistants. Assistants must complete a form of eligibility.

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 86-04-090

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed February 5, 1986]

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 this notice proposes to amend WAC 308-04-010, Requirements for checks in payment of licenses, certificates, etc.—Penalty, from chapter 308-04 WAC, general provisions. These rules set guidelines and requirements for the acceptance of checks and indicate penalties for makers of NSF checks. The amendments address the following subjects: To whom checks may be made payable; penalties for NSF checks; and checks written on foreign banks.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 25, 1986.

The authority under which these rules are proposed is RCW 46.01.230.

The specific statute these rules are intended to implement is RCW 46.01.230.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

Dated: January 16, 1986

By: T. A. Aragon

Director

STATEMENT OF PURPOSE

Title and Number of Rule Chapter and Section: Chapter 308-04 WAC, General provisions; includes WAC 308-04-010 Requirements for checks in payment of licenses, certificates, etc.—Penalty.

Statutory Authority: RCW 46.01.230.

Specific Statute that Rule is Intended to Implement: RCW 46.01.230.

Summary of the Rule: WAC 308-04-010 sets guidelines and requirements for accepting checks and indicates penalties for makers of NSF checks. This notice proposes to amend the following subjects in this rule: To whom checks may be made payable; penalties for NSF checks; and checks written on foreign banks.

Reasons for Supporting the Proposed Amendments: Current rules require all checks for licenses, certificates, permits, etc. to be made payable to the state treasurer or Department of Licensing. Current practice, however, allows checks accepted through the department's agents

and subagents to be made payable to the county auditor who is acting as the agent. Since a substantial amount of department business is handled by agents and subagents, changing these rules in accordance with practice is appropriate. The amendments will help ensure effective and efficient service to the public. The current rules regarding consequences for failure to pay a license fee or tax due after notice of a NSF check is not clear. The proposed amendments clarify these consequences in accordance with RCW 46.01.230(1). Current rules do not permit acceptance of checks written on foreign banks. The proposed amendments create an exception for Canadian checks "Payable in U.S. Funds." Many Canadian firms (especially trucking) regularly engage in business in/with Washington state and an exception is needed to promote continued commerce.

Agency Personnel Responsible for Drafting: Bob VanSchoorl, Manager, Budget and Planning, Highways-Licenses Building, Mailstop PB-01, Olympia, WA 98504, (206) 753-6980; Implementation and Enforcement: Theresa Anna Aragon, Director, Department of Licensing, Highways-Licenses Building, Mailstop PB-01, Olympia, WA 98504, (206) 753-5029.

Name of Organization: Department of Licensing.

Agency Comments or Recommendations Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to the Rule: None.

The amendments to this rule are not necessary to comply with a federal law or a federal or state court decision.

Additional Agency Comments on Rule: None.

A small business economic impact statement is not required for the amendments to this rule. The amendments will not change the rule so as to have a measurable economic impact, an effect on industry or an effect on more than 20 percent of all industries or 10 percent of any one industry.

AMENDATORY SECTION (Amending Order DOL 592, filed 9/4/80)

WAC 308-04-010 REQUIREMENTS FOR CHECKS IN PAYMENT OF LICENSES, CERTIFICATES, ETC. — PENALTY. (1) All checks must be made payable to the state treasurer or department of licensing(:(:)), except those checks written in payment for transactions through the department's vehicle and vessel licensing agents may be made payable to the county auditor, who is acting as the agent.

(2) State warrants which bear a reasonable relationship to the amount of license fee due shall be accepted when tendered for payment of license fees. Proper identification will be required.

(3) Checks must be for the exact amount of the license fee due and the purpose for which the check ((m)) is intended should be noted on its face.

(4) The drawer's name (licensee) and address should appear upon each check. All NSF checks will be redeposited once. If they fail to clear at the time of the second deposit, the following action will be taken:

(a) The drawer (licensee) will be sent a letter by certified mail advising him or her that the license will be canceled unless a money order or cashier's check for the amount due is received within fifteen days.

(b) Upon the failure to receive said moneys the state patrol or other appropriate law enforcement agency will be notified.

(c) The failure to pay a license fee or tax due after notice of dishonor has been given will result in ((the action being turned over to the attorney general for collection or other appropriate action)) cancellation of any service, license, permit, or registration provided.

(d) In cases where a dishonored check is given for a professional, securities or real estate fee the field representative of said agency will first contact the party and their license will be surrendered.

(e) No checks written on foreign banks (outside of the United States) will be accepted and only those foreign postal money orders made payable in U.S. dollars at the Olympia post office will be acceptable for payment of any license fees, provided, however, that Canadian checks marked "Payable in U.S. Funds", shall be an exception and will be acceptable for payment.

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 86-04-091
PROPOSED RULES
DEPARTMENT OF LICENSING
[Filed February 5, 1986]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the state of Washington Department of Licensing intends to adopt, amend, or repeal rules concerning:

New	WAC 308-124A-430	Grading of examinations.
New	WAC 308-124A-440	Reexamination.
New	WAC 308-124A-450	Examination procedures.
New	WAC 308-124H-035	Real estate fundamentals course content.
New	WAC 308-124H-036	Real estate brokerage management course content.
New	WAC 308-124H-037	Real estate law course content.
Amd	WAC 308-124H-040	Approval of courses;

that the agency will at 1:30 p.m., Tuesday, March 11, 1986, in the Seattle Airport Hilton, Columbia West Room, 17620 Pacific Highway South, Seattle, 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 18.85.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 11, 1986.

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:

Robert A. Salerno
Department of Licensing
Real Estate Division
P.O. Box 247
Olympia, WA 98504
Phone (206) 753-6681

Dated: February 5, 1986
 By: Joyce R. Dolliver
 Assistant Attorney General

STATEMENT OF PURPOSE

Title and Numbers of Rule Section(s) or Chapters: New sections WAC 308-124A-430 Grading of examinations; 308-124A-440 Reexaminations; 308-124A-450 Examination procedures; 308-124H-035 Real estate fundamentals course content; 308-124H-036 Real estate brokerage management course content; 308-124H-037 Real estate law course content; and amending WAC 308-124H-040 Approval of courses.

Statutory Authority and Specific Statutes that the Rules are Intended to Implement: RCW 18.85.040.

Summary of Rule: WAC 308-124A-430 advises examinees what the passing scores are on the salesperson and broker examinations; 308-124A-440 advises examination candidates what the procedures are for reexamination; 308-124A-450 advises examination candidates what the procedures are for the real estate broker and salesperson's examinations; 308-124H-035 establishes course content for the salesperson prelicensure course, which was an added requirement for licensure by the legislature in section 2, chapter 162, Laws of 1985 (RCW 18.85.095); 308-124H-036 establishes course content for the broker prelicensure real estate brokerage management course, which was an added requirement for licensure by the legislature in section 1, chapter 162, Laws of 1985 (RCW 18.85.090); 308-124H-037 establishes course content for the broker prelicensure real estate law course, which was an added requirement for licensure by the legislature in section 1, chapter 162, Laws of 1985 (RCW 18.85.090); and 308-124H-040 requires schools who are changing their names to submit the name change to the director for approval.

Reasons Supporting the Proposed Rule: WAC 308-124A-430 provides notice to examination candidates of what is the score necessary for passing the examinations; 308-124A-440 provides notice to examination candidates of the procedures for reexamination; 308-124A-450 provides notice to examination candidates of the examination procedures; 308-124H-035 is necessary to implement section 2, chapter 162, Laws of 1985 (RCW 18.85.095); 308-124H-036 is necessary to implement section 1, chapter 162, Laws of 1985 (RCW 18.85.090); 308-124H-037 is necessary to implement section 1, chapter 162, Laws of 1985 (RCW 18.85.090); and 308-124H-040 defines the procedure for school name changes, which was not previously addressed.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Theresa Anna Aragon, Director, Department of Licensing, Fourth Floor, Highways-Licenses Building, Olympia, WA 98504, 234-5029 scan, 753-5029 comm; Joan Baird, Assistant Director, Business and Professions, First Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-2241 scan, 753-2241 comm; and Robert A. Salerno, Administrator, Real Estate Division, Third Floor, Eastside Plaza Building, 1300 Quince Street, Olympia, WA 98502, 234-6681 scan, 753-6681 comm.

Name of Person or Organization that is Proposing this Rule: Department of Licensing.

Agency Comments or Recommendations, if any, Regarding Statutory Language, Implementation, Enforcement and Fiscal Matters Pertaining to These Rules: None.

These rules are not necessary to comply with a federal law or state court decision.

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

The department has reviewed the impact that the adoption of these rules would have on real estate brokers and salespersons and schools offering real estate courses. Real estate brokers and salespersons are most appropriately classed in SIC Code 6531. They account for more than 10 percent of the firms and individuals in this area. They are less than 20 percent of all firms and individuals in all industries. Cost for small business is estimated to be zero. Any impact that these proposed rules may have is intended to fall equally on all real estate brokers and salespersons.

NEW SECTION

WAC 308-124A-430 GRADING OF EXAMINATIONS. (1) The salesperson examination consists of 100 national questions and 40 questions on Washington law and practices. A minimum score of 98 is required to pass.

(2) The brokers examination consists of 100 national questions, 40 questions on Washington law and practices and 10 questions on a closing problem. A minimum score of 112 is required to pass.

NEW SECTION

WAC 308-124A-440 REEXAMINATION. An applicant who has failed the examination may apply for reexamination, provided the required reexamination fee is submitted. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

An applicant for the broker or salesperson examination may choose to submit two exam fees. The double fee will result in the applicant being automatically scheduled for the next examination should the applicant fail or fail to appear. If the applicant passes the first exam, the second fee will be applied to the first license fee at the time of license application. The license may not be applied for until after the examination results have been mailed and received by the applicant.

NEW SECTION

WAC 308-124A-450 EXAMINATION PROCEDURES. (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the Real Estate Division not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test booklets and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

NEW SECTION

WAC 308-124H-035 REAL ESTATE FUNDAMENTALS COURSE CONTENT. Schools applying for approval of Real Estate Fundamentals will follow the outline prescribed below:

The Real Estate Fundamentals course will include:

Fiduciary Commitment, Agency, Ethics, Real Estate Law and Agency Relationships	3 hours
Market Analysis	3 hours
Contracts and Documents	9 hours
Financing (including qualifying the buyer)	9 hours
Closing (costs etc.)	3 hours
Government Rules and Regulations	3 hours

NEW SECTION

WAC 308-124H-036 REAL ESTATE BROKERAGE MANAGEMENT COURSE CONTENT. Schools applying for approval of Real Estate Brokerage Management will follow the outline prescribed below:

The Real Estate Brokerage Management course will include:

Agency and Washington State Law	3 hours
Government Impact Rules	3 hours
Trust Account Procedures	3 hours
Basic Management Concepts Relative to Real Estate Brokerage	3 hours
Planning and Organizing a Real Estate Office, Staffing	6 hours
In House Training (recruiting, selecting, training)	3 hours
Direction and Control (marketing)	6 hours
Real Estate and its Future (horizontal and vertical expansion)	3 hours

NEW SECTION

WAC 308-124H-037 REAL ESTATE LAW COURSE CONTENT. Schools applying for approval of Real Estate Law will follow the outline prescribed below:

The Real Estate Law class will include:

Introduction to Law and Legal Systems; Land/Property and Related Concerns	3 hours
Forms of Ownership (including community property); Easements; Nonpossessory Rights; Leasehold Estate and the Lease	3 hours
Title and Transfer of Title; Title Insurance; Recording Acts; Conveyencing and Closing	3 hours
Public and Private Land Use Control; Fraud and Deceit; Negligence; Misrepresentation and Agency	3 hours
Contract Law and Documents (including options and options to purchase)	3 hours
Real Estate Security Documents (real estate contracts, mortgages and deeds of trust)	3 hours
Landlord Tenant, Washington State Fair Housing Law, Discrimination, Regulation Z	3 hours
Condominium, Cooperatives and Securities Law	3 hours
Regulation, Duties and Liabilities of Licensees	3 hours

AMENDATORY SECTION (Amending Order RE 136R, filed 10/11/85)

WAC 308-124H-040 APPROVAL OF COURSES. Each proprietary school, individual, association or agency seeking approval of a course or courses shall be required to file an application, on forms provided by the director, with the real estate administrator at least thirty days prior to the date of a regular meeting of the real estate commission. Applications which are completed and filed in a timely manner will be reviewed by the commission for recommendation to the director for consideration of approval or disapproval. The commission may recommend approval of courses solely for the broker requirement or solely for the second renewal requirement.

The director, with the advice of the real estate commission, may deny a course of instruction which, in the opinion of the director, does not meet the requirements of this chapter or meet the needs of the majority of licensees.

Upon approval or disapproval of a course or courses, the applicant will be so advised in writing by the director.

Any changes in the directors or ownership of schools must be submitted to the administrator within twenty days from date of such change for referral to the director and real estate commission for consideration of continued approval.

Any changes in course content or material must be submitted to the administrator no later than twenty days prior to the date of such change for referral to the director and the real estate commission for approval of the change.

Any change in qualified course instructors, school name, or instruction location must be submitted to the administrator for approval by the director before implementing such change.

Approval may be withdrawn if the school or course is not conducted in accordance with this chapter or chapter 18.85 RCW, or the school, or its owners, managers or employees, directly or indirectly, solicits information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions.

**WSR 86-04-092
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed February 5, 1986]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning ambient air quality standards and emission limits for radionuclides, chapter 173-480 WAC. Allowed concentrations of radionuclides in the ambient air and quantities emitted by point sources are established for all areas and sources in the state. Emission limits are not subject to PSD review nor may point sources be aggregated [aggregated] under the bubble policy;

that the agency will at 10:00 a.m., Thursday, March 13, 1986, in the Department Headquarters, Abbott Raphael Hall, Room 131, St. Martins College Campus, Lacey, Washington 98504-8711, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 20, 1986.

The authority under which these rules are proposed is chapters 70.94 and 43.21A RCW.

The specific statute these rules are intended to implement is RCW 70.94.331, powers and duties of state board, paragraph (2)(c).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1986.

Dated: February 5, 1986
By: Phillip C. Johnson
Deputy Director

STATEMENT OF PURPOSE

Title: Ambient air quality standards and emission limits for radionuclides, chapter 173-480 WAC.

Description of Purpose: To adopt ambient standards and emission limits for radionuclides from certain sources.

Statutory Authority: Chapters 70.94 and 43.21A RCW.

Summary of Rule: The ambient standard limits the level of radionuclides to a dose equivalent of 25 mrem/year to the whole body or 75 mrem/year to critical organs. The emission limits require new or modified sources to use best available technology as the control mechanism.

Reasons Supporting Proposed Action: To adopt a standards regulation as required by the amended State Clean Air Act.

Agency Personnel Responsible for Drafting: Leslie Carpenter, (206) 885-1900; Implementation and Enforcement: Nancy Ellison, Manager, Air Programs, (206) 459-6256.

Person or Organization Proposing Rule, and Whether Public, Private, or Governmental: Department of Ecology, state government.

Agency Comments or Recommendation Regarding Statutory Language, Implementation, Enforcement, Fiscal Matters: Enforcement is to be done through the Department of Social and Health Services.

Whether Rule is Necessary as a Result of Federal Law or Federal or State Court Action: N/A.

Small Business Economic Impact Statement: The regulation standard and limits will impose no additional controls on small business and only minimal administrative functions in some cases.

Chapter 173-480 WAC
AMBIENT AIR QUALITY STANDARDS AND EMISSION LIMITS FOR RADIONUCLIDES

WAC

173-480-010	Purpose.
173-480-020	Applicability.
173-480-030	Definitions.
173-480-040	Ambient standard.
173-480-050	General standards for maximum permissible emissions.
173-480-060	Emission standards for new and modified sources.
173-480-070	Emission monitoring and compliance procedures.
173-480-080	Regulatory actions and penalties.

NEW SECTION

WAC 173-480-010 PURPOSE. The purpose of this chapter is to define maximum allowable levels for radionuclides in the ambient air and control emissions from specific sources.

NEW SECTION

WAC 173-480-020 APPLICABILITY. (1) The ambient air standards shall apply to the entire state. Measurements may be made at all points up to property lines of point, area and fugitive emission sources.

(2) The emission limits of this chapter shall apply to all radionuclide point sources.

NEW SECTION

WAC 173-480-030 DEFINITIONS. Unless a different meaning is clearly required by context words and phrases used in this chapter shall have the following meanings: General terms common with other chapters as defined in chapter 173-403 WAC, and terms specific to the standards and limits of radionuclides as defined in this section.

(1) Best available radionuclide control technology "BAT" means technology which will result in a radionuclide emission limitation based on the maximum degree of reduction for radionuclides which would be emitted from any proposed stationary source or modification of a 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 source or modification through application of production processes or available methods, systems, and techniques. In no event shall application of best available radionuclide technology result in emissions of radionuclides which would exceed the ambient annual standard limitation specified in this chapter.

(2) "Critical organ" means the most exposed human organ or tissue exclusive of the skin (integumentary system) and the cornea.

(3) "Curie (Ci)" means a unit of radioactivity equal to 37 billion nuclear transformations (decays) per second.

(4) "Dose equivalent" means the product of absorbed dose and appropriate factors to account for differences in biological effectiveness due to the quantity of radiation and its distribution in the body.

(5) "Effective dose equivalent" means the sum of the products of the dose equivalents to individual organs and tissues and appropriate weighting factors representing the risk relative to that for an equal dose to the whole body.

(6) "Permitting authority" means the department of social and health services.

(7) "Radionuclide" means any nuclide that emits radiation.

(8) "Rem" means a unit of dose equivalent radiation.

(9) "Whole body" means all human organs or tissue exclusive of the skin (integumentary system) and the cornea.

NEW SECTION

WAC 173-480-040 AMBIENT STANDARD. Emissions of radionuclides in the air shall not cause a dose equivalent of more than 25 mrem/y to the whole body or 75 mrem/y to a critical organ of any member of the public. Doses due to radon-220, radon-222, and their respective decay products are excluded from these limits. Compliance with the standard shall be determined by procedures in WAC 173-480-070.

NEW SECTION

WAC 173-480-050 GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE EMISSIONS. (1) All radionuclide sources are required to meet the emission standards in this chapter. At a minimum all sources shall meet WAC 402-10-010 requiring every reasonable effort to maintain radioactive materials in effluents to unrestricted areas, as low as reasonably achievable (ALARA). For the purposes of this chapter, control equipment of facilities operating under ALARA shall be defined as reasonably available control technology (RACT).

(2) PSD: The emission requirements for a source of radionuclides shall be the same for all areas of the state independent of prevention of significant deterioration (PSD) classification.

(3) Bubble policy: The emission of radionuclides from a source shall not be considered with those of any other radionuclide emission source or regulated contaminant under the provisions of WAC 173-403-060, Bubble rules.

(4) Whenever another federal or state regulation or limit in effect controls the emission of radionuclides to the ambient air, the more stringent control of emissions shall govern.

NEW SECTION

WAC 173-480-060 EMISSION STANDARDS FOR NEW AND MODIFIED SOURCES. (1) Whenever the construction, installation or establishment of a new source subject to this chapter is contemplated, the project shall utilize best available radionuclide control technology (BAT).

(2) Addition to, enlargement, modification, replacement, alteration of any process or source or replacement of air pollution control equipment which will significantly change potential radionuclide emissions or significantly change the dose equivalent will require the proposed project to utilize best available radionuclide control technology (BAT) for emission control.

NEW SECTION

WAC 173-480-070 EMISSION MONITORING AND COMPLIANCE PROCEDURES. (1) The procedures specified in chapter 402-80 WAC shall be used to determine compliance with the standard. Radionuclide emissions shall be determined and dose equivalents to members of the public shall be calculated using DSHS approved sampling procedures, DSHS models, or other procedures, including those based on environment measurements that DSHS has determined to be suitable.

(2) Compliance with this standard shall be determined by calculating the dose to members of the public at the point of maximum annual air concentration in an unrestricted area where any member of the public may be.

NEW SECTION

WAC 173-480-080 REGULATORY ACTIONS AND PENALTIES. (1) The department may enforce this chapter with the provisions of WAC 173-403-170, Regulatory actions; and 173-403-180, Criminal penalties.

(2) The responsible person may also be subject to the provisions of RCW 34.04.030, Emergency rules and amendments; 70.98.130, Administrative procedure; 70.98.140, Injunction proceedings; and 70.98.200, Penalties as cited by the department of social and health services.

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
- RE-AD = Readoption of existing section
- REP = Repeal of existing section
- REAFF = Order assuming and reaffirming rules
- REMOV = Removal of rule pursuant to RCW 34.04.050(5)
- 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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296-23-50002	AMD-C	86-03-050	296-56-60053	AMD	86-03-064	296-56-60237	AMD	86-03-064
296-23-50002	AMD-C	86-04-036	296-56-60055	AMD	86-03-064	296-56-60239	AMD	86-03-064
296-23-50003	AMD-C	86-03-050	296-56-60057	AMD	86-03-064	296-56-60241	AMD	86-03-064
296-23-50003	AMD-C	86-04-036	296-56-60059	AMD	86-03-064	296-56-60243	AMD	86-03-064
296-23-50004	AMD-C	86-03-050	296-56-60060	AMD	86-03-064	296-56-60249	AMD	86-03-064
296-23-50004	AMD-C	86-04-036	296-56-60062	AMD	86-03-064	296-56-60251	AMD	86-03-064
296-23-50005	AMD-C	86-03-050	296-56-60065	AMD	86-03-064	296-56-60253	AMD	86-03-064
296-23-50005	AMD-C	86-04-036	296-56-60067	AMD	86-03-064	296-56-990	REP	86-03-064
296-23-50006	AMD-C	86-03-050	296-56-60069	AMD	86-03-064	296-56-99001	REP	86-03-064
296-23-50008	AMD-C	86-04-036	296-56-60073	AMD	86-03-064	296-56-99002	AMD	86-03-064
296-23-50008	AMD-C	86-03-050	296-56-60075	AMD	86-03-064	296-56-99003	AMD	86-03-064
296-23-50008	AMD-C	86-04-036	296-56-60077	AMD	86-03-064	296-56-99004	REP	86-03-064
296-23-50009	AMD-C	86-03-050	296-56-60079	AMD	86-03-064	296-56-99005	REP	86-03-064
296-23-50012	AMD-C	86-04-036	296-56-60081	AMD	86-03-064	296-56-99006	REP	86-03-064
296-23-50012	AMD-C	86-03-050	296-56-60083	AMD	86-03-064	296-81-007	AMD	86-03-024
296-23-50013	AMD-C	86-04-036	296-56-60085	AMD	86-03-064	296-81-010	AMD	86-03-024
296-23-50013	AMD-C	86-03-050	296-56-60087	AMD	86-03-064	296-81-260	AMD	86-03-024
296-23-50014	AMD-C	86-04-036	296-56-60089	AMD	86-03-064	296-83-010	REP	86-03-025
296-23-50014	AMD-C	86-03-050	296-56-60091	AMD	86-03-064	296-83-015	REP	86-03-025
296-23-50016	NEW-C	86-04-036	296-56-60093	AMD	86-03-064	296-83-020	REP	86-03-025
296-23-710	AMD-C	86-03-050	296-56-60095	AMD	86-03-064	296-83-025	REP	86-03-025
296-23-710	AMD-C	86-04-036	296-56-60097	AMD	86-03-064	296-83-030	REP	86-03-025
296-23-720	AMD-C	86-03-050	296-56-60098	AMD	86-03-064	296-83-035	REP	86-03-025
296-23-720	AMD-C	86-04-036	296-56-60101	AMD	86-03-064	296-83-040	REP	86-03-025
296-23-725	AMD-C	86-03-050	296-56-60103	AMD	86-03-064	296-83-045	REP	86-03-025
296-23-725	AMD-C	86-04-036	296-56-60107	AMD	86-03-064	296-83-050	REP	86-03-025
296-23-910	AMD-C	86-03-050	296-56-60109	AMD	86-03-064	296-83-055	REP	86-03-025
296-23-910	AMD-C	86-04-036	296-56-60110	AMD	86-03-064	296-83-060	REP	86-03-025
296-23-940	REP-C	86-03-050	296-56-60111	AMD	86-03-064	296-83-065	REP	86-03-025
296-23-940	REP-C	86-04-036	296-56-60113	AMD	86-03-064	296-83-070	REP	86-03-025
296-23-9401	REP-C	86-03-050	296-56-60115	AMD	86-03-064	296-83-075	REP	86-03-025
296-23-9401	REP-C	86-04-036	296-56-60117	AMD	86-03-064	296-83-080	REP	86-03-025
296-23-9402	REP-C	86-03-050	296-56-60119	AMD	86-03-064	296-83-085	REP	86-03-025
296-23-9402	REP-C	86-04-036	296-56-60121	AMD	86-03-064	296-86-020	AMD	86-03-026
296-23-9403	REP-C	86-03-050	296-56-60122	NEW	86-03-064	296-86-030	AMD	86-03-026
296-23-9403	REP-C	86-04-036	296-56-60123	AMD	86-03-064	296-86-060	AMD	86-03-026
296-23-9409	REP-C	86-03-050	296-56-60125	AMD	86-03-064	296-86-070	AMD	86-03-026
296-23-9409	REP-C	86-04-036	296-56-60127	AMD	86-03-064	296-86-075	AMD	86-03-026
296-23-9410	REP-C	86-03-050	296-56-60129	AMD	86-03-064	296-87-001	NEW	86-03-033
296-23-9410	REP-C	86-04-036	296-56-60131	AMD	86-03-064	296-87-020	AMD	86-03-033
296-23-950	NEW-C	86-03-050	296-56-60133	AMD	86-03-064	296-87-040	AMD	86-03-033
296-23-950	NEW-C	86-04-036	296-56-60135	AMD	86-03-064	296-87-060	AMD	86-03-033
296-23-960	NEW-C	86-03-050	296-56-60139	AMD	86-03-064	296-87-080	AMD	86-03-033
296-23-960	NEW-C	86-04-036	296-56-60141	AMD	86-03-064	296-87-120	AMD	86-03-033
296-23-970	NEW-C	86-03-050	296-56-60143	AMD	86-03-064	296-88-001	REP	86-03-027
296-23-970	NEW-C	86-04-036	296-56-60145	AMD	86-03-064	296-88-010	REP	86-03-027
296-23-980	NEW-C	86-03-050	296-56-60147	AMD	86-03-064	296-88-020	REP	86-03-027
			296-56-60151	AMD	86-03-064	296-88-030	REP	86-03-027
			296-56-60153	AMD	86-03-064			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-88-040	REP	86-03-027	296-127-130	NEW	86-03-063	296-155-305	AMD-C	86-03-073
296-88-050	REP	86-03-027	296-127-140	NEW	86-03-063	296-155-305	AMD	86-03-074
296-88-060	REP	86-03-027	296-127-150	NEW	86-03-063	296-155-325	AMD-C	86-03-073
296-88-070	REP	86-03-027	296-127-160	NEW	86-03-063	296-155-325	AMD	86-03-074
296-88-080	REP	86-03-027	296-127-170	NEW	86-03-063	296-155-330	AMD-C	86-03-073
296-88-090	REP	86-03-027	296-127-180	NEW	86-03-063	296-155-330	AMD	86-03-074
296-88-100	REP	86-03-027	296-127-190	NEW	86-03-063	296-155-335	AMD-C	86-03-073
296-88-110	REP	86-03-027	296-127-200	NEW	86-03-063	296-155-335	AMD	86-03-074
296-88-120	REP	86-03-027	296-127-210	NEW	86-03-063	296-155-34911	AMD-C	86-03-073
296-88-130	REP	86-03-027	296-127-220	NEW	86-03-063	296-155-34911	AMD	86-03-074
296-90-010	REP	86-03-028	296-127-300	NEW	86-03-063	296-155-34912	AMD-C	86-03-073
296-90-020	REP	86-03-028	296-127-310	NEW	86-03-063	296-155-34912	AMD	86-03-074
296-90-030	REP	86-03-028	296-127-320	NEW	86-03-063	296-155-34913	AMD-C	86-03-073
296-90-040	REP	86-03-028	296-155-003	AMD-C	86-03-073	296-155-34913	AMD	86-03-074
296-90-050	REP	86-03-028	296-155-003	AMD	86-03-074	296-155-34914	AMD-C	86-03-073
296-90-060	REP	86-03-028	296-155-005	AMD-C	86-03-073	296-155-34914	AMD	86-03-074
296-90-070	REP	86-03-028	296-155-005	AMD	86-03-074	296-155-34920	AMD-C	86-03-073
296-90-080	REP	86-03-028	296-155-009	NEW-C	86-03-073	296-155-34920	AMD	86-03-074
296-90-090	REP	86-03-028	296-155-009	NEW	86-03-074	296-155-355	AMD-C	86-03-073
296-92-010	REP	86-03-029	296-155-010	AMD-C	86-03-073	296-155-355	AMD	86-03-074
296-92-020	REP	86-03-029	296-155-010	AMD	86-03-074	296-155-360	AMD-C	86-03-073
296-92-030	REP	86-03-029	296-155-012	AMD-C	86-03-073	296-155-360	AMD	86-03-074
296-92-040	REP	86-03-029	296-155-012	AMD	86-03-074	296-155-363	NEW-C	86-03-073
296-92-050	REP	86-03-029	296-155-020	AMD-C	86-03-073	296-155-363	NEW	86-03-074
296-92-060	REP	86-03-029	296-155-020	AMD	86-03-074	296-155-36301	NEW-C	86-03-073
296-92-070	REP	86-03-029	296-155-035	AMD-C	86-03-073	296-155-36301	NEW	86-03-074
296-92-080	REP	86-03-029	296-155-035	AMD	86-03-074	296-155-36303	NEW-C	86-03-073
296-92-090	REP	86-03-029	296-155-100	AMD-C	86-03-073	296-155-36303	NEW	86-03-074
296-92-100	REP	86-03-029	296-155-100	AMD	86-03-074	296-155-36305	NEW-C	86-03-073
296-92-110	REP	86-03-029	296-155-110	AMD-C	86-03-073	296-155-36305	NEW	86-03-074
296-93-010	AMD	86-03-030	296-155-110	AMD	86-03-074	296-155-36307	NEW-C	86-03-073
296-93-050	AMD	86-03-030	296-155-120	AMD-C	86-03-073	296-155-36307	NEW	86-03-074
296-93-060	REP	86-03-030	296-155-120	AMD	86-03-074	296-155-36309	NEW-C	86-03-073
296-93-070	AMD	86-03-030	296-155-125	AMD-C	86-03-073	296-155-36309	NEW	86-03-074
296-93-110	REP	86-03-030	296-155-125	AMD	86-03-074	296-155-36311	NEW-C	86-03-073
296-93-120	AMD	86-03-030	296-155-130	AMD-C	86-03-073	296-155-36311	NEW	86-03-074
296-93-130	REP	86-03-030	296-155-130	AMD	86-03-074	296-155-36313	NEW-C	86-03-073
296-93-170	AMD	86-03-030	296-155-130	AMD-C	86-03-073	296-155-36313	NEW	86-03-074
296-93-180	REP	86-03-030	296-155-140	AMD	86-03-074	296-155-36315	NEW-C	86-03-073
296-93-200	AMD	86-03-030	296-155-140	AMD	86-03-073	296-155-36315	NEW	86-03-074
296-93-210	AMD	86-03-030	296-155-155	AMD	86-03-074	296-155-36317	NEW-C	86-03-073
296-93-220	AMD	86-03-030	296-155-160	AMD-C	86-03-073	296-155-36317	NEW	86-03-074
296-93-230	AMD	86-03-030	296-155-160	AMD	86-03-074	296-155-36319	NEW-C	86-03-073
296-94-010	NEW	86-03-032	296-155-165	AMD-C	86-03-073	296-155-36319	NEW	86-03-074
296-94-020	NEW	86-03-032	296-155-165	AMD	86-03-074	296-155-36321	NEW-C	86-03-073
296-94-030	NEW	86-03-032	296-155-200	AMD-C	86-03-073	296-155-36321	NEW	86-03-074
296-94-040	NEW	86-03-032	296-155-200	AMD	86-03-074	296-155-365	AMD-C	86-03-073
296-94-050	NEW	86-03-032	296-155-201	AMD-C	86-03-073	296-155-365	AMD	86-03-074
296-94-060	NEW	86-03-032	296-155-201	AMD	86-03-074	296-155-367	NEW-C	86-03-073
296-94-070	NEW	86-03-032	296-155-203	NEW-C	86-03-073	296-155-367	NEW	86-03-074
296-94-080	NEW	86-03-032	296-155-203	NEW	86-03-074	296-155-370	AMD-C	86-03-073
296-94-090	NEW	86-03-032	296-155-20301	NEW-C	86-03-073	296-155-370	AMD	86-03-074
296-94-100	NEW	86-03-032	296-155-20301	NEW	86-03-074	296-155-400	AMD-C	86-03-073
296-94-110	NEW	86-03-032	296-155-20303	NEW-C	86-03-073	296-155-400	AMD	86-03-074
296-94-120	NEW	86-03-032	296-155-20305	NEW-C	86-03-073	296-155-405	AMD-C	86-03-073
296-94-130	NEW	86-03-032	296-155-20307	NEW-C	86-03-073	296-155-405	AMD	86-03-074
296-94-140	NEW	86-03-032	296-155-20307	NEW	86-03-074	296-155-407	NEW-C	86-03-073
296-94-150	NEW	86-03-032	296-155-205	AMD-C	86-03-073	296-155-407	NEW	86-03-074
296-94-160	NEW	86-03-032	296-155-205	AMD	86-03-074	296-155-425	AMD-C	86-03-073
296-94-170	NEW	86-03-032	296-155-211	NEW-C	86-03-073	296-155-425	AMD	86-03-074
296-94-180	NEW	86-03-032	296-155-211	NEW	86-03-074	296-155-430	AMD-C	86-03-073
296-94-190	NEW	86-03-032	296-155-212	AMD-C	86-03-073	296-155-430	AMD	86-03-074
296-94-200	NEW	86-03-032	296-155-212	AMD	86-03-074	296-155-435	AMD-C	86-03-073
296-94-210	NEW	86-03-032	296-155-225	AMD-C	86-03-073	296-155-435	AMD	86-03-074
296-94-220	NEW	86-03-032	296-155-225	AMD	86-03-074	296-155-440	AMD-C	86-03-073
296-94-230	NEW	86-03-032	296-155-230	AMD-C	86-03-073	296-155-440	AMD	86-03-074
296-94-240	NEW	86-03-032	296-155-230	AMD	86-03-074	296-155-475	AMD-C	86-03-073
296-94-250	NEW	86-03-032	296-155-250	AMD-C	86-03-073	296-155-475	AMD	86-03-074
296-100-001	NEW	86-03-031	296-155-250	AMD	86-03-074	296-155-480	AMD-C	86-03-073
296-100-050	NEW	86-03-031	296-155-260	AMD-C	86-03-073	296-155-480	AMD	86-03-074
296-100-060	NEW	86-03-031	296-155-260	AMD	86-03-074	296-155-485	AMD-C	86-03-073
296-104-210	AMD-P	86-04-060	296-155-270	AMD-C	86-03-073	296-155-485	AMD	86-03-074
296-104-500	AMD	86-04-059	296-155-270	AMD	86-03-074	296-155-48523	NEW-C	86-03-073
296-104-501	NEW	86-04-059	296-155-275	AMD-C	86-03-073	296-155-48523	NEW	86-03-074
296-104-515	AMD	86-04-059	296-155-275	AMD	86-03-074	296-155-48525	NEW-C	86-03-073
296-127-010	AMD	86-03-063	296-155-300	AMD-C	86-03-073	296-155-48525	NEW	86-03-074
296-127-020	AMD	86-03-063	296-155-300	AMD	86-03-074	296-155-48527	NEW-C	86-03-073

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296-155-48527	NEW	86-03-074	296-155-705	AMD-C	86-03-073	308-61-135	NEW	86-03-011
296-155-48529	NEW-C	86-03-073	296-155-705	AMD	86-03-074	308-61-140	REP	86-03-011
296-155-48529	NEW	86-03-074	296-155-720	AMD-C	86-03-073	308-61-145	NEW	86-03-011
296-155-48531	NEW-C	86-03-073	296-155-720	AMD	86-03-074	308-61-150	REP	86-03-011
296-155-48531	NEW	86-03-074	296-155-725	AMD-C	86-03-073	308-61-155	REP	86-03-011
296-155-48533	NEW-C	86-03-073	296-155-725	AMD	86-03-074	308-61-158	NEW	86-03-011
296-155-48533	NEW	86-03-074	296-155-730	AMD-C	86-03-073	308-61-160	REP	86-03-011
296-155-500	AMD-C	86-03-073	296-155-730	AMD	86-03-074	308-61-165	REP	86-03-011
296-155-500	AMD	86-03-074	296-155-750	AMD-C	86-03-073	308-61-168	NEW	86-03-011
296-155-505	AMD-C	86-03-073	296-155-750	AMD	86-03-074	308-61-170	REP	86-03-011
296-155-505	AMD	86-03-074	296-155-760	REP-C	86-03-073	308-61-175	NEW	86-03-011
296-155-50503	NEW-C	86-03-073	296-155-760	REP	86-03-074	308-61-180	REP	86-03-011
296-155-50503	NEW	86-03-074	296-155-765	AMD-C	86-03-073	308-61-185	NEW	86-03-011
296-155-50505	NEW-C	86-03-073	296-155-765	AMD	86-03-074	308-61-190	NEW	86-03-011
296-155-50505	NEW	86-03-074	296-155-775	AMD-C	86-03-073	308-79-050	NEW-E	86-03-071
296-155-510	AMD-C	86-03-073	296-155-775	AMD	86-03-074	308-96A-005	AMD-P	86-03-010
296-155-510	AMD	86-03-074	296-155-830	AMD-C	86-03-073	308-96A-010	AMD-P	86-03-010
296-155-515	NEW-C	86-03-073	296-155-830	AMD	86-03-074	308-96A-015	AMD-P	86-03-010
296-155-515	NEW	86-03-074	296-155-850	REP-C	86-03-073	308-96A-020	AMD-P	86-03-010
296-155-530	AMD-C	86-03-073	296-155-850	REP	86-03-074	308-96A-030	REP-P	86-03-010
296-155-530	AMD	86-03-074	296-155-855	REP-C	86-03-073	308-96A-035	AMD-P	86-03-010
296-155-545	AMD-C	86-03-073	296-155-855	REP	86-03-074	308-96A-040	AMD-P	86-03-010
296-155-545	AMD	86-03-074	296-155-860	REP-C	86-03-073	308-96A-050	AMD-P	86-03-010
296-155-570	AMD-C	86-03-073	296-155-860	REP	86-03-074	308-96A-055	REP-P	86-03-010
296-155-570	AMD	86-03-074	296-155-865	REP-C	86-03-073	308-96A-060	REP-P	86-03-010
296-155-575	AMD-C	86-03-073	296-155-865	REP	86-03-074	308-96A-075	AMD-P	86-03-010
296-155-575	AMD	86-03-074	296-155-870	REP-C	86-03-073	308-96A-100	AMD-P	86-03-010
296-155-576	AMD-C	86-03-073	296-155-870	REP	86-03-074	308-96A-105	AMD-P	86-03-010
296-155-580	AMD-C	86-03-073	296-155-875	REP-C	86-03-073	308-96A-115	REP-P	86-03-010
296-155-580	AMD	86-03-074	296-155-875	REP	86-03-074	308-96A-120	AMD-P	86-03-010
296-155-605	AMD-C	86-03-073	296-155-880	REP-C	86-03-073	308-96A-125	REP-P	86-03-010
296-155-605	AMD	86-03-074	296-155-880	REP	86-03-074	308-96A-130	REP-P	86-03-010
296-155-610	AMD-C	86-03-073	296-155-885	REP-C	86-03-073	308-96A-135	AMD-P	86-03-010
296-155-610	AMD	86-03-074	296-155-885	REP	86-03-074	308-96A-140	REP-P	86-03-010
296-155-615	AMD-C	86-03-073	296-155-890	REP-C	86-03-073	308-96A-145	AMD-P	86-03-010
296-155-615	AMD	86-03-074	296-155-890	REP	86-03-074	308-96A-155	REP-P	86-03-010
296-155-617	NEW-C	86-03-073	296-155-895	REP-C	86-03-073	308-96A-160	REP-P	86-03-010
296-155-617	NEW	86-03-074	296-155-895	REP	86-03-074	308-96A-165	REP-P	86-03-010
296-155-61701	NEW-C	86-03-073	296-155-900	REP-C	86-03-073	308-96A-170	REP-P	86-03-010
296-155-61701	NEW	86-03-074	296-155-900	REP	86-03-074	308-96A-200	REP-P	86-03-010
296-155-61703	NEW-C	86-03-073	296-155-900	REP-C	86-03-073	308-96A-205	AMD-P	86-03-010
296-155-61703	NEW	86-03-074	296-155-905	REP	86-03-074	308-96A-210	AMD-P	86-03-010
296-155-61705	NEW-C	86-03-073	296-155-910	REP-C	86-03-073	308-96A-215	REP-P	86-03-010
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